

ments against capital punishment have been based on this fact; but these are a small minority. Some may prefer death to public degradation, but it is not from this class that the great mass of criminals come. Robespierre opposed capital punishment upon the puerile theory that it was unjust, in that for its infliction the whole social body was armed against one man in an unequal contest; and further that it is not the most repressive punishment that may be inflicted. In a speech delivered by him in the Constituent Assembly just three years before his death under the official knife of France, so busy in his time, he condemns the assessment of death in punishment for crime. A short excerpt from that address forms interesting reading and defines his position. He says:—

“I will prove, firstly, that the death penalty is essentially unjust; secondly, that it is not the most repressive of punishments, and that it increases crimes much more than it prevents them. Outside of civil society, let an inveterate enemy attempt to take my life, or, twenty times repulsed, let him return to devastate the fields my hands have cultivated. Inasmuch as I can only oppose my individual strength to his, I must perish or I must kill him, and the law of natural defence justifies and approves me. But in society, when the strength of all is against one single individual, what principle of justice can authorize it to put him to death? What necessity can there be to absolve it? A conqueror who causes the death of his captive enemies is called a barbarian! A man who causes a child, that he can disarm and punish, to be strangled, appears to us a monster. A prisoner that society convicts is, at the utmost, to that society but a vanquished, powerless and harmless enemy. He is before it weaker than a child before a full-grown man. Therefore in the eyes of truth and justice these death scenes which it orders with so much preparation are but cowardly assassinations—solemn crimes committed, not by individuals, but by the entire nation, with due legal forms. . . . (And upon the second point) . . . The death penalty is necessary, say the partisans of barbarous and antiquated routine. Without it there is no restraint strong