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— 1849 —

THE
President



is responsible.

Articles from *Le Peuple*,
including those censored in the *Œuvres Complètes*

Working translations by Shawn P. Wilbur.

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Session of the National Assembly.

WAR

The session began, as always, with a procession of representatives of the right coming to deposit some reactionary petitions on the desk, ordering the National Assembly to dissolve itself immediately.

The Republicans were not moved. They let the procession pass without showing any sign of impatience; and continued the discussion of the organic bill on the Council of State.

The articles relating to auditors and masters of requests gave rise to several more or less monarchical and aristocratic amendments, amendments which were all mercilessly rejected. — First failure for the reaction.

At half past three, M. Berryer goes to the podium and requests urgency for a bill of local interest: the emergency is declared without difficulty.— But the commission, of which M. Berryer is the rapporteur, demands more; it wants immediate discussion of the single article of this bill. — We vote: two tests are declared doubtful; — it is only at the third that the discussion is postponed until tomorrow.

Three tests for such an insignificant vote! Obviously there is something in the air. So what is there? — War.

It is four o'clock. M. Grévy is ready to read his report on the Râteau proposal and all those directly or indirectly linked to it.

At this news, incredible agitation spread throughout the Assembly; a large number of representatives of the right left their benches and besieged the office to register in advance. The cries of the Assembly remind them of modesty and rules. President Marrast evacuates the office, and everyone returns to their posts.

M. Grévy takes the podium and begins reading his report, often interrupted by applause from the left and complaints from the right. — Why do they want the prompt dissolution of the Assembly? Because deep down it is a Republican; because it no longer wants to walk following the reaction; because it thinks about its origin; because it began in her offices the elaboration of important laws intended to strengthen the Republic; because it has decided to considerably reduce taxes (the report by M. Dezeimeris on the Billault proposal, a report read in the Assembly after that of M. Grévy, bears witness to this); because finally the Assembly wants to preserve the Republic by energetically resisting the anarchic demands of the reactionaries.

Why does the Assembly not want to separate before having voted on the organic laws? Precisely because the monarchists of all colors are demanding its dissolution; precisely because it represents the Republic in power, and the Republic must be preserved at all costs.

The attitude and language of the ministry, hostile to the Assembly, impose on it, says the rapporteur, the duty to remain in its post. Why would it withdraw! It offered loyal support to the President of the Republic. If this competition is refused, too bad for the president!

After all, what is this without the National Assembly, even under the terms of the Constitution! — Nothing, less than nothing.

The Constituent Assembly did not intend to found an EMPIRE, any more than a monarchy. Today it made this clear to the enemies of the Republic, by applauding the report submitted to it. — From today, it has frankly and energetically entered the counter-reactionary path. The Grevy report is an act of vigor on the part of the Assembly: it is the accepted duel between the Republic and its enemies. Can victory be doubtful?

M. Grévy, in his report, has not yet lifted all the veils. He kept what we agree to call parliamentary proprieties; he respected the old constitutional fictions. We, who are not subject to all these considerations, do not hesitate to say that the struggle is not only between the Assembly and the ministry, but also between the Assembly and the President of the Republic.

What is the ministry, anyway? The authorized representative, the elected official, the messenger of the President of the Republic, himself responsible, like the last of his ministers, for all acts of the administration. The struggle is therefore between the Assembly and Louis Bonaparte.

Between the Assembly, which saluted the Revolution, which founded the Democratic Republic, and laid, in article 13 of the Constitution, the tooting stone of socialism; the Assembly that wants to maintain its work, and refuses to take a single retrograde step;

And L. Bonaparte, born incapacitated, of lowly ambition, personification of all reactionary ideas; who, guilty towards France of the greatest attacks, amnestied by the vote yes to the representative, elected without titles to the presidency of the Republic, conspires today with all the monarchic coteries, with the Jesuits, the absolutists, the slavery of the People and the return of all abuses!

So here he is, this president who had to work with all his strength to strengthen republican institutions, and who through his inertia and his intrigues, sowing corruption and despair around him, works tirelessly to disorganize the Republic; — the veiled one, this equivocal republican, who claimed to be slandered, and who drives the last republicans out of office, who hands over prefectures, public prosecutor's offices, justices of the peace, etc., to batches of reactors, to emeritus monarchies, tested by thirty years of betrayals! For him, the Republicans of the next day are too dark in remorse; It is absolutists by race and ancient origin that he needs!

The republican Constitution did not want a traitor in the highest office of the State to be able to cover himself with fictitious irresponsibility: why should we be more timid than the Constitution?

It was Louis Bonaparte who, after promising reconciliation, refused amnesty.

It was he who sent armed garrisons to the peasants after promising them the abolition of taxes.

Who is preparing an expedition against the democrats of Italy and Rome;

Who meditates an alliance with the kings against the People;

Who continues the imprisonments, the transportations, the vengeance of the reaction against the patriots;

Who violates the right of association, the mirror of the assembly, the liberty of the press, the liberty of speech and thought;

Who organizes the social bankruptcy and the misery of the People through the calculated obstinacy of its government to resist any financial and economic reform.

The reaction did not go fast enough for L. Bonaparte's liking. He has dared to unbind the Assembly, unbind the Revolution, by ordering the representatives to dissolve. Well! The Revolution has taken up the gauntlet. The challenge is accepted: on Monday the fight. Let the Assembly dare to count on itself; let it count on the People of Paris: and victory will not be doubtful for a moment.

Louis Buonaparte has raised the question of the dissolution of the Assembly. All in good time! Next Monday, the Assembly will in turn ask the question of the resignation of the president.

Let the representatives remember, on Monday, the Republic and their own dignity: and, in one round of voting, the elected official with five and a half million votes will be nothing more than the arm, the organ of the Assembly; the President of the Republic will only be the President of the Council of Ministers, the Grévy amendment will have become the true interpretation of the principle of the presidency. So, if Louis Buonaparte has any feeling of personal dignity left, his duty will be clear: he will only have to resign his powers.

In today's session, we heard revolutionary passion simmer; we saw the republican breath agitate the chests of the representatives and the bad conscience of the rectors twisting them on their benches as they read the report.

Let us hope, patriots! hope more than ever. And more than ever, calm and patience! The National Assembly will complete the Revolution on its own. Our pains cannot wait to end: the president, that is to say the monarchy, corruption, lies, privilege, good pleasure, capitalist exploitation, is impossible.

[unsigned when published]

(*Le Peuple* No. 70. — January 27, 1849.)

Paris, January 26.

We left Sainte-Pélagie this morning, and we arrived at the newspaper office just in time to receive notification of a seizure.

Given the indictment of the Attorney General;

Given today's issue of the newspaper *Le Peuple*;

Given the article entitled: *War*;

Given articles 1 and 4 of the law of August 11, 1848;

Finally, given everything that prosecutors, substitutes, investigating judges, henchmen of all levels and other people of the same ilk see in such cases;

The newspaper *Le Peuple* was seized from its offices.

G. DUCHÊNE.

Paris, January 26.

THE PRESIDENT OF THE REPUBLIC IS RESPONSIBLE

(Constitution of 1848.)

We said this morning, in our report from yesterday's session:

“The fight is between the National Assembly and Louis Bonaparte.

“Louis Bonaparte raised the question of the dissolution of the Assembly; Next Monday, the Assembly will ask the question of the resignation of the president.”

The public prosecutor, subordinate to the President of the Republic, found this judgment worrying for his superior: he has seized our issue.

So let him grab this one again! For finally, we cannot help saying it: the fiction of royal inviolability was abolished by the Constitution of December 4; the President of the Republic is responsible.

Yes, and it is not we who are saying it, it is the force of things: on Monday a decisive battle will be fought between the Revolution and the Counter-Revolution.

Between the Revolution represented by the National Assembly,

And the Counter-Revolution, represented by Louis Bonaparte.

Is it possible to deny it?

All the forces, all the ideas, all the hopes of the revolution are today concentrated in the National Assembly; ask M. Rateau.

All the forces, all the ideas, all the hopes of the counter-Revolution are united on the head of L. Bonaparte; ask MM. Barrot, Falloux, Faucher, Drouyn de Lhuys, Destutt de Tracy, ask all those who prepared, advocated, favored, and who are currently exploiting the election of December 10! Louis Bonaparte, they will tell you, is the monarchy, is the counter-Revolution!

The Assembly dissolved, the counter-revolution no longer encounters any obstacle. The Constitution is being broken; we re-establish the two Chambers; the inviolability and re-eligibility of the president are declared; we increase our civil list tenfold; we restore the monarchy; we re-establish corruption, we once again bind the People to their chains.

On the contrary, Louis Bonaparte defeated, resigning or dismissed, the counter-revolution is brought down; all its hopes are ruined, irrevocably and forever.

It is strange that, for a month, neither the Republicans in the Assembly nor the democratic press seem to have been aware of this situation.

Formerly, the Constitution prohibited placing responsibility for government actions on the king; and, as the opposition could only address ministers, it never ended, or rather it ended with a catastrophe.

Under the rule of the Republican Constitution, things happen in a completely different way. The head of the executive power is both responsible and removable, the president can be changed every month; it is the Republic alone that is inviolable.

Strike the idol, and, the religion being dishonored, the worship is abolished. This was the practice of the first Christians, of all revolutionaries. Louis Bonaparte, by his antecedents, by his tendencies, his connections, his preferences, constituted himself the enemy of the Republic: he made himself the candidate of the monarchy, the hope of the reaction, the organ of the counter-revolution. Let the vote strike Louis Bonaparte, and the reaction has lost its trump card; the Republic no longer has a single opponent.

When we say that Louis Bonaparte alone is the counter-revolution, this is not an invention of controversy on our part, a slander of opposition.

Who, please, in the December elections, served as a flag for the Catholic and legitimist reaction? — Bonaparte.

Who most desires at this moment to ascend the throne and wear the crown? — Bonaparte.

Who conspires under the cover of the Republic, with the eternal enemies of the sovereignty of the People? — Bonaparte.

Who raised the hopes of capitalist and mercantile feudalism, and destroyed the last illusions of the worker? — Bonaparte.

Who, the first since the Revolution, dared to compose a ministry of pure and frank monarchists? — Bonaparte.

Who closes the clubs, the last asylum of popular liberty? — Bonaparte.

Who swore to continue the unfortunate policy of Cavaignac? — Bonaparte. Cavaignac, at least, defended the Republic; he only wanted socialism. Bonaparte rejects both socialism and the Republic.

Who is organizing the slander and persecution against the workers' association? — Bonaparte.

Who is spreading the word that the institution of the Bank of the People is nothing more than a political machine organized against the order and security of the country? — Bonaparte's police.

Who refuses the reduction of taxes on consumption, so harmful to the health of the People? — Bonaparte.

Who rejects financial reform, administrative reform, budgetary reform? — Bonaparte.

Who calls for the abolition of the primary schools, as incompatible with the security of parasites? — Bonaparte's henchmen.

Who is proposing to wage any kind of war on Europe in order to distract labor from the war against capital? — Bonaparte's bosses.

Who violates the principle of the non-retroactivity of the laws, to better serve the vengeance of the reaction? — The government of Bonaparte.

Who anticipates the fiction of presidential irresponsibility, established in government councils, in order to strike the democratic newspapers opposed to the republic of reaction? — Bonaparte's prosecutors.

Who ruthlessly refuses amnesty, after having promised reconciliation? — Bonaparte, always Bonaparte.

Bonaparte, elected representative of the reaction, instrument of the reaction, personification of the reaction, Bonaparte is at this moment the entire reaction; so much so that anyone who opposes Bonaparte is undoubtedly revolutionary; and that, with Bonaparte fallen, the entire doctrinaire, legitimist, Orleanist, imperialist, capitalist and Jesuit conspiracy collapses with him.

These powerful reactors, united by all despotisms, leaders of all religions, were believed to be skilled. And here they are, betting everything on the fortune of the bourgeois from Thurgau! They took for their representative, for their man, the intriguer of Arenenberg, the Pichrocole of Strasbourg, the Caesar of Boulogne, the socialist of Ham, the bastard of universal suffrage!

Worthy aristocrats, estimable royalists, honest bourgeois, devout Christians, lackeys, poor roués, poor dupes! This was therefore where these profound combinations were to end which were to, through rapid and invincible transitions, metamorphose the Republic of February into the monarchy of 1788! A mannequin and M. Rateau: it was with this that you thought you would cause panic among the revolutionaries!

Representatives of the Republic! The opportunity has never been so beautiful for you, the situation has never been more favorable. You are accused of having opposed the candidacy of this ghost of an emperor. Who is it among you, today, who does not applaud it?

Ah! Certainly, if the People, like the monkey in the fable, inadvertently taking *the name of a port for the name of a man*, had elected the bear Martin or the ox Dagobert as President of the Republic; if this elected official by universal suffrage ordered you to do like him and walk on all fours, would you believe yourself obliged to obey him?...

So show yourself, in the face of this conspiracy of intriguers, inflexible in your dignity, merciless in your irony. Do not be afraid of the reaction: it only has force through the noise it makes, and the astonishment it causes in the country. An energetically motivated vote in five minutes will deal with that. It is necessary, to enter into the constitution, that the President of the Republic bends and bows before the authority of the Constituent Assembly: on this condition alone, he can stay beside you, and drag out his magistracy for another three years and three months.

The election of December 10, don't forget it, was a surprise to the country, I almost said an outrage to the national reason. It is up to you, agent of the People, to repair through your wisdom and your firmness the harm done to the majesty of the sovereign by the mediocrity of the subject and the indignity of his supporters.

And you, patriots, our friends, our brothers, do not forget that our duty, at this moment, is to await the initiative of your representatives. It is in the National Assembly that the reaction must be defeated; it must not cost a single citizen a hair on their head.

P.-J. PROUDHON.

(*Le Peuple* No. 71. — January 28, 1849.)

January 27.

We have been seized again today.

Since July 8, seven months ago, we have had: two suspensions, five seizures, five trials; we appeared in court seven times; we must appear there again on the 31st of this month.

Ah! If the moderate Republic was as strong as it was fierce!

No matter! We are ready, for so many misdeeds, to sign a compromise with those in power: We agree to go to prison and stay there as long as the reign of the *honest people* lasts, and we will undertake to ask for our release only to the *democratic and social* Republic.

This is an innovation that could save the government a lot of embarrassment from indictments, investigations, trials, and others.

We will call this *subscription for the repression*. It is good to proceed as a whole, it is more revolutionary.

P. J. For seven months, there have been almost as many ministries as we have had trials; all have tried to kill us. We are still standing, ready to pronounce the funeral oration for the one who will die tomorrow.

The Managing Editor of *Le Peuple*,
G. DUCHÊNE.

NOTICE TO THE PEOPLE.

We implore all good citizens, all those who want with us the progress of the Revolution and the emancipation of workers — whatever the reactionary acts of the government and the votes of the National Assembly — to abstain in this supreme moment from any kind of demonstration, to avoid crowds, not to respond to any provocation, and to let the initiative of the representatives act.

The salvation of the People and the Republic is at this price.

We are not permitted, at present, to say more.

The editors of the PEUPLE:

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FAURE, L. VASBENTER, G. DUCHÊNE, ARNOULD
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PARIS, JANUARY 27.

—
Explanations to the Bourgeoisie.

THE PRESIDENT IS RESPONSIBLE.
(Constitution of 1848.)

We did not invent this principle; it is the Assembly itself which has proclaimed it: it is written throughout the Constitution; the Constitution itself is only development and commentary.

The Constitution states:

Art. 68. The PRESIDENT OF THE REPUBLIC, the ministers, agents and depositaries of public authority are RESPONSIBLE, each in what concerns him, FOR ALL THE ACTS OF GOVERNMENT and administration.

Any measure by which the President of the Republic dissolves or prorogues the Assembly, or otherwise obstructs the exercise of his mandate, is a crime of high treason.

By this fact alone the president is deprived of his functions; citizens are required to refuse obedience to him, executive power passes automatically to the National Assembly; the judges of the high court of justice meet immediately, on pain of forfeiture, they summon the jurors to the place they designate to proceed to the judgment of the president and his accomplices; they themselves implicate the magistrate responsible for fulfilling the functions of the public prosecutor.

A law will determine other cases of liability, as well as the forms and conditions of prosecution.

If that is not responsibility, we ask what it is called.

The President of the Republic, we will repeat every day, is responsible for the actions of his administration, neither more nor less than the last rural guard of the last commune in France.

The corollary of responsibility in government matters is that we are given the word, the power to act. The Constitution has set the limits within which the president can exercise this power to act, the essence and character of his functions in the State. It says :

Art. 49. The President has the right to have bills presented to the National Assembly BY THE MINISTERS.

Art. 64. The President of the Republic appoints and dismisses ministers.

He appoints and dismisses, in the council of ministers, the diplomatic agents, the commanders-in-chief of the land and sea armies, the prefects, the senior commander of the national guards of the Seine, etc.

He appoints and dismisses, on the proposal of the competent minister under the regulatory conditions determined by law, the secondary agents of the government.

Art. 65. He has the right to suspend, for a period which cannot exceed three months, the agents of the executive power elected by the citizens.

Thus, it is clear that if the president does not reign, it is quite certain that he governs, and that it is on him that all responsibility for the acts of the government must fall.

The president has the right to introduce legislative proposals to the National Assembly. So when a minister comes to submit a bill to the office of the Assembly, it is the president and not the minister who must be blamed. The minister is only the president's messenger.

The president appoints and dismisses ministers. Thus, when he chooses ministers from among the supporters of a dynasty fallen eighteen years ago under the blows of the national guard, it is not the president of the council who should be blamed; it is the President of the Republic himself who, no longer having to argue with the old constitutional fiction of inviolable royalty, makes his choices himself and can impose them on his ministers without incurring their responsibility in any way.

He appoints and dismisses, on the proposal of the competent minister, under the regulatory conditions determined by law, secondary government agents. So when force is entrusted to royalists, teaching to the Jesuits, the prefectures to the eternal enemies of the republican principle, the embassies to traffickers in national honor, etc., etc., it is not such and such minister who must be accused of betraying the Republic, but the president himself.

There is no way out of this: under the terms of the Constitution, the president being responsible, the least citizen has the right to attack, to examine his actions, to approve or disapprove of them; to make jokes about him if his person lends itself to ridicule, to denounce him to public opinion if he errs, etc., etc. The public life of the president belongs to criticism like the public life of the lowest civil servant; there is nothing inviolable except the private man.

What is the good of entering into the path of dissimulation and lies? To stop at the minister, who is nothing except through the president, it is to deceive the nation, tear up the Constitution and mock the Republic. If the doctrine that we support is not recognized as consistent with the spirit and letter of the fundamental pact, if it is pursued as facetious and anarchist, you are under the regime of inviolable and sacred royalty, we are in full constitutional monarchy, and we are no longer in a Republic. The Constitution is no longer the political code of France, it is the Charter that must be engraved in its place on the tables of the law.

We can well understand that this chapter of responsibility displeases a president, the friend and accomplice of the reactionaries, a president who does not consider the Constitution to be serious, who dreams of the restoration of the Empire, and who plots against us who knows what compromise between regency and legitimacy. We understand very well that the royalists, their friends and our adversaries, denounce us because of this as facetious people to whom an end should be put.

But, we ask the citizens whose principle is respect for order and law, should we renounce the right that the Constitution gives us, when this renunciation endangers the existence of the Constitution itself? Is the Constitution not by chance a truth? Has the bourgeoisie made an act of hypocrisy and lying when it accepted it as the most conservative of its interests? Is the Constitution or is it not the expression of the wishes of the majority of French people? Is it not considered by them as the strongest guarantee of order and stability?

Is it being facetious to remind the men who insult and violate the respect for the conservative work accepted by the class most hostile to revolutions? Is it wanting the overthrow of the

government to preach the only doctrine that can make the republican government stable? Is it looking for abrupt and violent changes to put reality in place of fiction, gradual transition in place of conflicts, universal suffrage in place of *coups d'état*?

The president is responsible. There are no attorneys general who will forbid us from saying it, unless they want to erase and violate the Constitution.

[unsigned]

NOTICE TO THE PEOPLE.

The most sinister rumors continuing to circulate about the liberticidal projects of the reactionaries, we continue to adjure the patriots to remain in the deepest indifference in the face of all the provocations, whatever they may be, of a police force now without principle, of a sheltered government, of a reaction reaching the last degree of anarchy and despair. At this point, there is only an attack against the National Assembly that can justify the intervention of good citizens.

Let us hope that the Assembly will understand its duty, just as we will be able, if necessary, to fulfill ours.

The editors of the PEUPLE:

P.-J. PROUDHON, A. DARIMON, J.-A. LANGLOIS PH.
FAURE, L. VASBENTER, G. DUCHÊNE, ARNOULD
FRÉMY. TAXILE DELORD, L. MÉNARD, A. CRETIN,
A. MADIÉRE DE MONTJAU, senior, lawyer for the
Peuple.

PARIS, JANUARY 28.

—
The president of the Republic is responsible;
The Rateau proposal makes him inviolable.

I am accused by the prosecutor of the Republic:

1. Of excitement to contempt and hatred of the government of the Republic;
2. Of an attack against the Constitution;
3. Of an attack against the rights and authority that the President of the Republic derives from the Constitution;
4. Of having sought to disturb public peace by arousing contempt and hatred among citizens against each other.

All this, because, in the trial currently pending before the National Assembly, between the revolution and the counter-revolution, I decided to implicate the current President of the Republic, in whose name and for whose benefit, it seems to me, the reactionary fabric is being woven.

While waiting to provide further explanations to those concerned, I ask my honorable colleagues of the National Assembly to weigh in their wisdom, and to assess in the secret of their conscience, what I am going to say to them.

It is not socialism that I am doing right now; it is politics, the oldest and most trivial politics. Must it be me, a man of yesterday, who is remonstrating with the masters!...

We said it from the podium, the ministry admits it, everyone repeats it:

The principle of the Rateau proposal is that the majority, if not almost all of the representatives, having declared themselves against the candidacy of Louis-Bonaparte, the National Assembly is necessarily hostile to the president; that thus the progress of the government is hampered, the policy uncertain, the return to confidence impossible; that consequently, faced with the magnificent gift that universal suffrage has given it, the duty of the Assembly is to dissolve itself.

In a word, it is on the true or presumed existence of a *conflict* or *discord* between the Assembly and the President of the Republic that the request presented by the honorable M. Rateau and by the ministry is based.

To assess M. Rateau's proposal, it is therefore a question of knowing whether, CONSTITUTIONALLY, the question of the possibility of a conflict between the National Assembly and the President of the Republic can be asked? Because it is clear that, if the Rateau proposal was, in its principle, its reasons and its object, unconstitutional; if by itself it implied a violation of the Constitution, there would be no reason to examine it, as it would have to be ruled out by the preliminary question.

To resolve this problem, the only way forward is to examine the respective roles and reciprocal relationships of the Assembly and the President; in other words, it is to analyze, from the point of view of the Rateau proposal, the Constitution.

May the reader give me five minutes of patience: I will be categorical and brief.

Now, it follows from articles 33, 35, 36, 45, 47, 48, 49, 50, 51, 53, 54, 55, 59, 65, 68, 72, 74, 75 of the Constitution that the President of the Republic, inferior in dignity to the National Assembly, is still only the organ of the Assembly, the subordinate of the Assembly, the subject of the Assembly.

From which it follows that the National Assembly and the President of the Republic do not form, as was believed and as some claim, two equal powers, but a single power of which the Assembly is the head and the president the arm; that the privilege of popular election, conferred on the president by article 43 of the Constitution, constitutes for him only a purely honorary distinction, and that thus the hypothesis of a conflict between the Legislative Body and the head of executive power, contradictory in terms, cannot constitutionally be admitted.

There may be *disobedience* by the President of the Republic with regard to the National Assembly; it is repugnant to the text and spirit of the Constitution for there to be conflict between them, and in any case, conflict. To pretend otherwise is already to misunderstand, I almost said it is to violate the Constitution.

I first say that the President of the Republic is inferior to the National Assembly. In fact:

The Assembly can only ever be elected by the people. The president may, in certain cases, be designated by the Assembly (art. 47).

The National Assembly itself verifies their powers. — It is the assembly that rules on the validity of the election of the president (*ibid.*).

The representatives of the people cannot receive an imperative mandate; they legislate in the fullness of their spontaneity and initiative. The president can only obey the decrees of the

Assembly, which he is required to promulgate within one month, and, if there is an emergency, three days (art. 57).

“The representatives of the people are inviolable. They cannot be sought, accused or judged, at any time, for the opinions they expressed in the National Assembly.” (Art. 36.) That is to say that for all the opinions that they can express, for all the acts that they can produce in the exercise of their mandate, they are absolutely, and by right, irresponsible. “The President of the Republic is responsible for all his actions as well as all his speeches.” (Art. 68.)

“Representatives may only be arrested or prosecuted in criminal matters after the Assembly has authorized the prosecution.” (Art. 37.) That is to say that the representatives are removed from the action of the public prosecutor, dependent on the head of the executive power, and are subject only to the good pleasure of the Assembly. The president, on the contrary, can be accused by the National Assembly, and referred to the high court of justice (art. 68), which is formed on the order of the Assembly (art. 93). I, against whom the government is asking the Assembly for authorization to prosecute, am higher in dignity than the President of the Republic.

“The representatives of the people are always re-electable.” (Art. 33.). “The President of the Republic can only be re-elected after an interval of four years.” (Art. 45).

The National Assembly, the true representation of the people, swears, like the people and like God, only by itself. The President of the Republic is obliged, before taking office, to take an oath in the hands of the Assembly.

Who could say, comparing the two powers, that the President of the Republic is the equal of the National Assembly, and that he must not, in everything and for everything, cede precedence to the latter?

I affirm, secondly, that the President of the Republic is the agent or organ of the Assembly. I quote the constitution:

The President of the Republic promulgates the decrees of the Assembly (art. 57 and 58), although he took no part in their preparation, although he opposes them. Therefore, the will of the Assembly is the law of the President.

He monitors and ensures the execution of the laws made by the Assembly: that is to say that the Assembly orders, and that the President executes. It is for this reason alone, it is because he is responsible for the execution, that he appoints and dismisses, under his responsibility, the ministers and other agents... From which it appears that the President of the Republic is responsible to the commands of the National Assembly.

He resides in the place where the National Assembly sits (art. 63), of which he is the arm, and which he must follow as the shadow follows the body. Therefore, the President of the Republic is the acolyte of the Assembly.

“He presents each year, by a message, to the National Assembly, the general presentation of the affairs of the Republic (art. 52),” as befits every accountant towards his constituents, every debtor with regard to his creditors. Therefore, the President of the Republic is the vassal of the Assembly.

I go further, and I say that the President of the Republic is the servant and subordinate of the National Assembly. This proposition is only the corollary of the previous one. Indeed :

“The President of the Republic has the armed forces at his disposal, BUT without ever being able to command them in person (art. 50).”

This means that, under a republican government, where the militia is above all citizens and the bayonets are essentially intelligent, the President of the Republic has the army at his disposal for the cases provided for by law, but that, if he wanted to dispose of it according to personal views and contrary to public liberties, the armed force, commanded by others than the president, would not obey.

According to this article, the concentration of all military forces in the hands of General Changarnier is an indirect attack on the Constitution; for, either General Changarnier is devoted to the interests of Bonaparte, and, in this case, it is as if Bonaparte commanded the army, THE WHOLE ARMY, in person; or else Changarnier obeys other influences, and then the reunion in his hands of commands that should remain separate constitutes both a rivalry to Louis Bonaparte and a danger for the Republic. And, in fact, is not the affair of Commander Aladenize a symptom of the danger that, through the violation of art. 50, the Constitution is currently running!...

The president negotiates and ratifies the treaties: BUT these treaties are only final after having been approved by the National Assembly.” (Art. 33.) That is to say that, as far as foreign policy is concerned, the President of the Republic is responsible for the correspondence of the Assembly.

“He ensures the defense of the State, BUT he cannot undertake any war without the consent of the National Assembly (art 54).” That is to say that the president is the sentinel of the Assembly.

“He has the right to pardon; BUT he can only exercise this right after having obtained the opinion of the Council of State (art. 55).” — Now the Council of State tests the creature of the Assembly (art. 72); therefore, the president is only the interpreter of the feelings of the Assembly.

“He appoints and dismisses ministers; BUT the number of ministers and their responsibilities are fixed by the legislative power (art. 66).” So, the president is the office manager of the Assembly.

He is responsible for administration; BUT it is the Council of State that makes the administrative regulations; BUT the administration is placed under the control and supervision of the Council of State (art. 75); BUT, once again, the Council of State, in everything it does with respect to the administration, is the representative of the Assembly. Therefore, the President is the agent and clerk of the Assembly.

He has the right to present draft laws to the Assembly through his ministers; BUT, in certain cases, he must first consult the Council of State on these projects (art. 75); in all cases, the Assembly alone deliberates sovereignly. Therefore, the president, only having the right of proposal, and never that of *veto*, is only the authorized representative and proxy of the Assembly.

In the event of the forfeiture of the president, executive power returns IN FULL RIGHT to the National Assembly (art. 68). Therefore, executive power emanates primarily from the legislature, as action emanates from thought; therefore, the President of the Republic is the representative of the Assembly.

I add, finally, that notwithstanding article 100 of the constitution, which provides: “The President of the Republic is only liable to the High Court of Justice,” he is in reality the subject of the Assembly. Let us not argue about words.

Article 55 states:

“The President of the Republic, the ministers, as well as all other persons condemned by the high court of justice, can only be PARDONED by the National Assembly.”

The right of justice and the right of pardon are consanguineous and homogeneous. Formerly they both belonged to the king, who could delegate or retain them. To do justice and to grant mercy was an act of the same nature, quality and attribution. Today, it is from the people, the only sovereign, that all justice and grace emanate. The first has special courts as its organs; the second belongs to the Council of State and the Assembly. To say that the President of the Republic can only be pardoned by the National Assembly is to create a jurisdictional relationship between them, it is to make the first litigant of the second.

If there is one thing in the world that is clear, obvious, demonstrated, it is certainly the proposition that I put forward earlier, which has been the subject of the polemic of the *Peuple* for four days, but that the ministry seems not to understand, namely:

1. That the President of the Republic is inferior to the Assembly;
2. That he is the organ of the Assembly;
3. The servant of the Assembly;
4. The person responsible for the Assembly.

Because, according to articles 43 and 46, the president is appointed, as are the representatives of the people, *by secret ballot and by an absolute majority of voters, by all the voters of France and Algeria*, — it is imagined that this community of origin made him equal to the National Assembly; that it made him an independent power, reporting only to the people, and able, by virtue of some prerogative that has not yet been defined, to issue orders and make injunctions to the Assembly. It was enough for the former professors of governmental dualism to read in the republican constitution of 1848 that the separation of powers is the first condition of a free government (art. 19); that the French people delegate executive power to a citizen who holds the title of President of the Republic (art. 43); that the said president is appointed by secret ballot by all voting citizens (art. 19), to immediately conclude that the new Constitution was only a rearrangement of the charter of 1830, and that the President of the Republic was a species of king, minus the *veto*, inviolability and heredity. Except for this, they thought, the President walks in equality with the Assembly; his consideration is the same: he does not have the *duty* of SUBORDINATION towards the Assembly: he has a *right* to the ASSISTANCE of the Assembly.

Our great parliamentarians, finally, disregarding all the provisions of the constitutional act that they themselves had worked to establish, and taking into account only this deceptive label of *separation of powers* and of *presidency*, took a republican constitution for a monarchical constitution: and it is from this reversal of principles that they claim to explain and defend the attributions of the President of the Republic, all of which are second rate, and which they name, as

in the good times of the charter-truth and with the same style, *the rights and authority that the President of the Republic derives from the Constitution!*

They reason, these astonishing publicists, like clumsy industrialists who, making a partnership contract between themselves, declare, at the beginning of their act, to form a *general* partnership, and all of whose provisions invariably reveal a *limited* partnership. The content taking the form, the operations of the company take, unbeknownst to the editors, a legal character quite contrary to that which they had thought to foresee; and while they counted on a certain responsibility, they actually incur another.

No, no, M. Barrot, the constitution that you are responsible for applying is not, as you imagine, a dualist and monarchical constitution, more or less degraded and mutilated: it is, very fortunately for honor and the future of the French people, a constitution, a true republican constitution, which I urge you to reread and meditate on, if you do not want to lead your president to a catastrophe. Despite your efforts and those of your friends, despite the doubts that you managed to spread, the republican principle, which dominated the National Assembly, prevailed, and after having first rejected the Grévy amendment, then after the amendment of Parrieu, the National Assembly, which had only the Republic in mind, found itself having made a republican constitution: *Vox populi, vox Dei!*

A few words will be enough for me now to assess, in its extent, its timeliness, its morality, M. Rateau's proposal.

M. Rateau's proposal seems to have been made expressly to reveal to the country, I will not only say the counter-revolutionary tendencies of the government, but the incredible hallucination under which it lives.

What does M. Rateau demand?

That the National Assembly, the majority of which would have compromised itself in the elections for the presidency, separates before having voted on the organic laws and established the budget, because, says M. Rateau naively, this majority is not very favorable to Louis Bonaparte, and business suffers from this misunderstanding.

M. Rateau, as we see, dominated by this idea that the President of the Republic enjoys an authority equal to that of the Assembly, creates for the President a prerogative analogous to the ancient royal prerogative, and according to which, the prince dealing equal to equal with the chamber of peers and the chamber of deputies, the cooperation of the three powers was necessary for the running of the government.

Now, M. Rateau's idea, or better said the inner thought that dictated his proposal, is the overthrow of the entire republican economy, the negation of the Constitution.

Demanding, in the name of the President of the Republic, that the National Assembly lend its support to the executive power, while it is up to the head of the executive power to CONFORM to the decisions, the policy, the ideas of the legislative power, is to create for the president a prerogative of the most monarchical kind; it is consequently to make him inviolable, at least within the extent of this prerogative; and if it were that this prerogative encompassed all the attributions of the presidency, it would follow that the president would be irresponsible for all the acts of his

government, whatever they were, which, in the terms of the Constitution current, is contradictory.

Therefore, M. Rateau's proposal, considered in its principle, in its reasons and in its goal, is *unconstitutional*; therefore, similarly, the petitions collected to support it, which appear to have for an instant shaken the opinion of a few inattentive representatives, tainted by the same vice, are themselves unconstitutional.

May the National Assembly, now enlightened on the facts and on the law, appreciating the false and detestable doctrine which has brought the Republic into this burning situation, reject, by an energetic vote, the suicide that some dare to demand of it at this moment, and, while saving the Constitution, it will have saved the Republic, it will perhaps have preserved the country from the horrors of the civil war, and it will have been well worthy of the homeland.

P.-J. PROUDHON.

To the citizen editors of the PEUPLE.

Citizens,

Sick in bed, I cannot appear, as I would like, in your offices to ask to sign with you the journalists' protest against the odious reaction which today threatens the Republic.

Obscure soldier of democracy, after having received kind hospitality in your newspaper, I come to ask you in the name of fraternity, to let me once again take my place in your ranks to fight the common enemy.

Please, citizen, add my name to yours. I have the right to be counted among the most devoted friends of the democratic and social Republic.

Fraternal greetings.

PAULINE ROLAND.

January 23, 1849.

PARIS, JANUARY 29.

REPUBLICANS,

Your attitude, during this moving day, your calm in the presence of a conspiracy that does not dare to admit itself, which seeks, without being able to find it anywhere, a pretext of legality and right, has initiated you all into political life, to parliamentary life.

While the Republican minority, an ever-increasing minority through its daily oscillations, protested in the Assembly against the ministry, you protested in the street, through majestic silence, against the provocations of power. The People march in unison with their representatives: from now on, civil war is impossible. Civil war! You have seen, citizens, with your own eyes, that it would be the victory of the reaction.

Yesterday, the Republican minority was 288 votes.

Today it is 403.

Thanks to a behind-the-scenes intrigue, the ministry gathered, with great difficulty, out of 821 voters, a majority of 6 votes!...

A few more efforts, a few more days together, and this minority will pass into the state of an indissoluble majority.

When events move faster than the intelligent, and the mind is no longer enough to digest the idea of each day, is it any wonder that a panting, surprised, intimidated, divided Assembly was unable to resolve to crush its unworthy ministry in one fell swoop? But, have no doubt, citizens, the National Assembly has received the mandate to found the Republic: it will not fail in its task.

Republicans, you were in your strength today, because you were within legality, within right. This is why the conspiracy, however provocative it was, did not dare risk an attack. May this experience enlighten you! Do not provide the enemies of the Republic, drunk with insignificant success, with the opportunity for a struggle, where they would have the advantage of legality and right over you.

Tomorrow you have nothing to do in the public square! Let the patrols, the police officers, the informers, walk alone on the quays and the boulevards, we implore you in the name of the freedom of the homeland.

Besides, the real question of the day was not the Râteau proposal: it was the *coup d'état* being prepared by the government. Well! The *coup d'état* failed; the mine charged by the reactionaries fizzled. The victory that the ministry promised itself in the streets, it is you who won it. What compensation for this failure is a majority of six votes!

The editors of the PEUPLE:

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PARIS, JANUARY 30.

—
The first campaign of Louis Bonaparte.

The People of Paris are the most intelligent of all the Peoples. Give them an idea, and in the blink of an eye they will have developed it in all its aspects: give them a principle, and they will not stop until they have drawn the final conclusion from it. But they sometimes need someone to put his finger on things: they are so absent-minded, so wandering, so nosy, that at times they do not notice what is staring them in the face.

Yesterday Louis Bonaparte, the leader covered in a feathered hat, came, at the head of his army, to present the battle to the Parisian people. It was for him, as once at Austerlitz for Napoleon, to earn his emperor's spurs. All the troops from thirty leagues around had been brought in, the best soldiers, the most skillful leaders. Changarnier was generalissimo; Bugeaud, who had left for Bourges, was to lead the rearguard. The strategic plan was to go up the Seine by both banks; they had to cut and fortify the bridges, divide the riot, bring about the junction of the two wings above the Austerlitz bridge, then, retreating by the interior and exterior boulevards, attack by rifle fire, by cannon, by bomb, by undermining, the various centers of insurrection. We will have two hours of combat, said two of the generals of the expedition in the Salle des Pas Perdus; six hours at most!...

The People refused to fight! The People of Paris are so capricious! They have their days of combat, as well as their days of celebration. They fight if it pleases them to fight; they don't fight if it doesn't suit them. It was enough, that day, for the faubourien to make fun of the regiments everywhere!

Five or six hundred blouses were stationed near the National Elysée, waiting for the President of the Republic. As soon as Bonaparte appeared, they welcomed him with cries of *Long live the Republic! Long live the Constitution! Long live the National Assembly! Amnesty! Down with ministers!*, etc. These less than dynastic cries, growing louder by the minute as Louis Bonaparte passed by, despite the efforts of a paid deadbeat to shout *Long live the Emperor*, the pretender, having reached the height of the Boulevard des Capucines, was forced to retreat to his headquarters, established on Place de la Concorde, forty steps from the Obelisk!

And everything was said!

The troops, who had been equipped for war, bivouacked on the sidewalk; part returned to the barracks: 80,000 elite men, led by the best generals in the country, seemed to have arranged to meet on this memorable day to parade in front of the windmills of the Butte Montmartre!...

How it grows ideas and character, to serve pretenders! How noble they are, the Changarniers, the Bugeauds, these men who served the homeland in the French campaign and on the land of Africa, with their Napoleonic nepotism...

It's all just ridiculous, really: but it didn't occur to the Ministry that all this became disastrous. The left demanded that an investigation be carried out regarding the day of January 29. The right refuses the investigation, therefore the right was conspiring, therefore the Government is guilty, therefore Louis Bonaparte, who appeared at the head of the provocative and reactionary army, is complicit in the attack.

Never did Emile de Girardin gather together as much and as damning evidence against General Cavaignac as there is against Louis Bonaparte. And if the crime has not been executed, the cause must be attributed to completely unforeseen circumstances, and independent of the will of the accused.

Follow my reasoning, I beg you, and try, if you can, to answer it.

Soldiers are brought from all sides by rail; 80,000 men are gathered, provided with everything necessary for siege warfare: picks, ladders, cannons, cans, etc. Mr. Léon Faucher recalls the National Guard to combat against the eternal enemies of society, property, and the family; against these men who made the June Days, and who have the audacity to accuse the Ministry. He adds in finishing his proclamation: *The victory of order must be decisive and irrevocable!*

They had therefore intended to kill, shoot, bomb, since they were deploying, in the streets of Paris, an army of 80,000 men, equipped with all kinds of tools and projectiles. They had planned the fight, I should say to execute the Republicans, since they designated the enemy, presented the victim; since they predicted the victory, read the massacre, a definitive and unremitting massacre.

The affair was premeditated since, from two o'clock in the morning, the troops surrounded the palace of the Assembly and President Marrast was not informed until eleven o'clock; since all arrangements were made with a view to a hoped-for resistance, the systems of which were known in advance and which did not take place; since the spark that was going to set off the insurrection had been sparked the day before by the dismissal of the mobile guards, a sad plagiarism of the dissolution of the national workshops.

Finally there was an ambush, since, as Colonel Guinard revealed in the gallery, the order to sound the recall had only been given to the colonels of the 1st, 2nd and 10th legions, reputed to be the least favorable to the cause of the Republic, and that it was only on the advice that the Assembly was threatened that the colonels of the other legions, inspired by their patriotism, had taken it upon themselves to gather their men.

There was, I say, an ambush, since the government was not attacked; since there was no conspiracy, except the ministerial plot organized for the dissolution of the Assembly; since the excitements of the authorities and the police were received everywhere with cries of: *Long live the Republic! Long live the National Assembly!*

The Government, ashamed of its defeat, accuses the existence of plots against the Company; it dares to designate, to exonerate himself, the representatives of the Mountain as the instigators of this plot.

And it refuses the investigation!

As far as the Government is concerned, the facts, that is to say the will to fight, the premeditation, the ambush, are not in doubt: it cannot be justified by proving that, sentinel of society, representative of society, it acted in self-defense.

And it rejects the request for an investigation!

Well! I am not afraid to tell it: It was you who prepared the civil war, you who plotted the assassination of citizens!

And since you trace back to the representatives who sit on the far left complicity in the crime of which you cowardly accuse the social democracy, I will in turn trace back to the President of the Republic complicity in your liberticidal projects.

The Montagnards have not been seen in insurgent meetings, preaching fire and pillage. You have no more charges against them than against this People whom you always slander, because they never take revenge!

But Louis Bonaparte, what was he doing at this review? What role would he play on the Place de la Concorde and the boulevards? What would he have to respond if he were questioned in person about the part he took in the events of that day? What is his opinion on the events that preceded, accompanied and followed his walk from the Elysée-Bourbon to the Hôtel des Capucines? What do these testimonies of satisfaction to the cries of *Long live the Emperor*, these signs of spite at *Long live the National Assembly* mean? Wouldn't the plot of January Twenty-Ninth be the third act of this tragi-comic drama which began in Strasbourg, which continued in Boulogne, which will end in Charenton?...

You don't want an investigation! Ah! If it is in order to veil from the eyes of France the incurable monomania of its chief magistrate, I approve of your reservation. But is it only the blood of patriots that can wash away the shame of the homeland!

P.-J PROUDHON.