
Legislative Assembly, *Decree on the Death Penalty*, 1792

Decree of the Legislative Assembly introducing the guillotine, 20
March 1792

The National Assembly, considering that uncertainty concerning the method of enforcement of Title I, article 3 of the Penal Code¹⁷ delays the punishment of several criminals condemned to death; that it is most urgent to terminate unfavorable conditions which might have unfortunate consequences; that humanity requires that the death penalty be as painless as possible, decrees that Title I, article 3 of the Penal Code be carried out according to the manner indicated and the method approved in the statement signed by the permanent secretary of the Academy of Surgery and annexed to the present decree; and, accordingly, authorizes the Executive Power to make the necessary expenditures in order to achieve this method of execution, in such manner that it may be uniform throughout the entire kingdom.

¹⁵ King Frederick-William II of Prussia and Emperor Francis II of Austria.

¹⁶ Commanded French armies in victories over Prussia at Valmy and Austria at Jemappes, 1792.

¹⁷ Article 3 reads: 'Every person condemned [to death] shall be decapitated'.

Motivated opinion on the method of decapitation, 7 March, 1792

“The Committee on Legislation has done me the honor of consulting me concerning two letters written by the National Assembly with regard to the execution of Title I, article 3 of the Penal Code, providing that *every one condemned* to the penalty of death *shall be decapitated*. In these letters the Minister of Justice and the directory of the Department of Paris’, on the basis of representations made to them, consider it urgently necessary to determine exactly the manner of procedure in the execution of the law, lest, through defective means or by lack of experience and skill, capital punishment become horrible for the victim and the spectators [. . .]

“I consider the representations just and the fears well founded. Experience and reason alike indicate that the method hitherto used in decapitating criminals exposes them to a capital punishment more frightful than mere deprivation of life, which is the formal aim of the law; in order to achieve it, the execution must be made instantly and by a single blow; examples give proof of the difficulty of succeeding therein.

“The decapitation of M. de Lally must here be recalled;¹⁸ he was on his knees, his eyes bandaged; the executioner struck him on the nape of the neck; the blow did not sever the head [. . .]; the body [. . .] was turned over; and it was only with three or four blows of the sword that the head was finally separated from the body. This *butchery* was viewed with horror [. . .]

“No one is ignorant of the fact that cutting instruments have little or no effect when they strike perpendicularly; by examining them under a microscope it may be seen that they are only more or less fine saws, which must be operated by sliding over the body which is to be divided. One would not succeed in decapitating by a single blow with an axe or knife, the edge of which was in a straight line; but with a convex blade, as on old battle-axes, the blow struck acts perpendicularly only at the middle part of the circle; but the instrument, in penetrating the continuity of the parts it divides, has an oblique sliding action on the sides, and effectively achieves its end.

“In considering the structure of the neck, the center of which is the vertebral column composed of several bones, the connection of which forms overlappings so that there is no joint, it is impossible to be assured of a prompt and perfect separation by trusting to an agent whose skill is influenced by moral and physical factors; for certainty one must depend on invariable mechanical means, the force and effect of which may like-

¹⁸ Thomas, Baron de Lally, governor of the French possessions in India, capitulated to the British and was executed for treason in 1766. His case was taken up posthumously by Voltaire.

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wise be determined. [. . .] The body of the criminal is laid face down between two posts connected at the top by a crosspiece, from which the convex axe is dropped on the neck by means of a release. The back of the instrument must be strong and heavy enough to act effectively, like a pile driver; it is known that its force increases in proportion to the height from which it falls.

“It would be easy to construct a similar machine, the performance of which would be unfailing. Decapitation would be performed instantly, according to the spirit and aim of the new law. It would be easy to test it on corpses, and even on live sheep. It could be determined whether it was necessary to fasten the victim’s head with a crosspiece encircling the neck at the base of the skull; the prongs or extensions of such crosspiece could be held by pegs under the scaffold. This apparatus, if found necessary, would cause no feeling and would scarcely be perceived.”

*Signed: LOUIS,
Perpetual Secretary of
the Academy of Surgery*

Source: J. H. Stewart, A Documentary Survey of the French Revolution, New York, Macmillan, 1951, pp. 343–6.