

ALEXIS DE TOCQUEVILLE

THE STATE OF SOCIETY IN
FRANCE BEFORE THE
REVOLUTION OF 1789

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Before the Revolution of 1789

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The State of Society in France Before the Revolution of 1789 / And the
Causes Which Led to That Event:*

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TRANSLATOR'S PREFACE

TO THE SECOND EDITION

An interval of about seventeen years has elapsed since the first publication of this book in France, and of the translation of it, which appeared simultaneously, in England. The English version has not been republished, and has long been out of print. But the work itself has retained a lasting place in the political literature of Europe.

The historical events which have occurred since the date of its first publication have again riveted the attention of every thinking man on the astonishing phenomena of the French Revolution, which has resumed in these later days its mysterious

and destructive course; and a deeper interest than ever seems to attach itself to the first causes of this long series of political and social convulsions, which appear to be as far as ever from their termination.

Nor is this interest confined to the state of France alone, for at each succeeding period of our contemporary annals the operation and effects of the same causes may be traced in other countries, and the principles which the author of this book discerned with unerring sagacity derive fresh illustrations every day from the course of events both abroad and at home.

For this reason, mainly, this translation is republished at the present time, in the hope that it may be read by men of the younger generation, who were not in being when it first appeared, and that some of those who read it before may be led by the light of passing events to read it again. For I venture to say that in no other work on the French Revolution has the art of scientific analysis been applied with equal skill to the genesis of these great changes: no other writer has so skilfully traced the continuous operation of the causes, long anterior to the Revolution itself, which have gradually reduced one of the greatest monarchies of Europe to its present condition.

Are we to learn from this stern lesson of experience that the hopes of progress are closely united to the germs of dissolution, and that the great transformation hailed with so much enthusiasm eighty-four years ago was but the prelude of a final catastrophe; that the nation which was the first to plunge into this new

order of things, by the destruction of all that it once loved and revered, is also the first to make manifest its fatal results; and that the last results of civilisation are no preservative against the decline of empires? These pages may suggest such reflections, for if the vices and abuses of political society in France before the Revolution were, in some measure, peculiar to herself, the elements of destruction which the Revolution let loose upon the world are common to all civilised nations.

In the present edition, moreover, it appeared to be desirable to make a considerable addition to the volume published in 1856. At the time of his death in the spring of 1859, M. de Tocqueville had made some progress in the continuation of his work, though his labour advanced very slowly, from the minute and conscientious care with which he conducted his researches and elaborated his thoughts. Seven chapters of the new volume were, however, found among his papers by his friend and literary executor, M. Gustave de Beaumont, in a state approaching to completeness; and these posthumous chapters were published in the seventh volume of the collected edition of M. de Tocqueville's works. They have not before been translated, and they are, I believe, but little known in this country.

These chapters are not inferior, I think, to any of the works of their author in originality and interest; and they have the merit of bringing down his Survey of the State of France before the Revolution to the very moment which preceded the convocation of the States-General. I have therefore included

these posthumous chapters in the present edition, and they form a Third Book, in addition to the two books of the original volume.

Henry Reeve.

April 1873.

PRELIMINARY NOTICE

The book I now publish is not a history of the French Revolution; that history has been written with too much success for me to attempt to write it again. This volume is a study on the Revolution.

The French people made, in 1789, the greatest effort which was ever attempted by any nation to cut, so to speak, their destiny in halves, and to separate by an abyss that which they had heretofore been from that which they sought to become hereafter. For this purpose they took all sorts of precautions to carry nothing of their past with them into their new condition; they submitted to every species of constraint in order to fashion themselves otherwise than their fathers were; they neglected nothing which could efface their identity.

I have always thought that they had succeeded in this singular attempt much less than was supposed abroad, and less than they had at first supposed themselves. I was convinced that they had unconsciously retained from the former state of society most of the sentiments, the habits, and even the opinions, by means of which they had effected the destruction of that state of things; and that, without intending it, they had used its remains to rebuild the edifice of modern society, insomuch that, fully to understand the Revolution and its work, we must forget for an instant that France which we see before us, and examine in her sepulchre

that France which is no more. This is what I have endeavoured to do; but I have had more difficulty than I could have supposed in accomplishing this task.

The first ages of the French Monarchy, the Middle Ages, and the Revival of Letters have each given rise to vast researches and profound disquisitions which have revealed to us not only the events of those periods of history, but the laws, the customs, and the spirit of the Government and the nation in those eras. But no one has yet taken the trouble to investigate the eighteenth century in the same manner and with the same minuteness. We suppose that we are thoroughly conversant with the French society of that date, because we clearly distinguish whatever glittered on its surface; we possess in detail the lives of the most eminent persons of that day, and the ingenuity or the eloquence of criticism has familiarised us with the compositions of the great writers who adorned it. But as for the manner in which public affairs were carried on, the practical working of institutions, the exact relation in which the different classes of society stood to each other, the condition and the feelings of those classes which were as yet neither seen nor heard beneath the prevailing opinions and manners of the country,—all our ideas are confused and often inaccurate.

I have undertaken to reach the core of this state of society under the old monarchy of France, which is still so near us in the lapse of years, but concealed from us by the Revolution.

For this purpose I have not only read over again the celebrated

books which the eighteenth century produced, I have also studied a multitude of works less known and less worthy to be known, but which, from the negligence of their composition, disclose, perhaps, even better than more finished productions, the real instincts of the time. I have applied myself to investigate thoroughly all the public documents by which the French may, at the approach of the Revolution, have shown their opinions and their tastes. The regular reports of the meetings of the States, and subsequently of the Provincial Assemblies, have supplied me with a large quantity of evidence. I have especially made great use of the Instructions drawn up by the Three Orders in 1789. These Instructions, which form in the original a long series of manuscript volumes, will remain as the testament of the old society of France, the supreme record of its wishes, the authentic declaration of its last intentions. Such a document is unique in history. Yet this alone has not satisfied me.

In countries in which the Administrative Government is already powerful, there are few opinions, desires, or sorrows—there are few interests or passions—which are not sooner or later stripped bare before it. In the archives of such a Government, not only an exact notion of its procedure may be acquired, but the whole country is exhibited. Any stranger who should have access to all the confidential correspondence of the Home Department and the Prefectures of France would soon know more about the French than they know themselves. In the eighteenth century the administration of the country, as will be seen from this

book, was highly centralised, very powerful, prodigiously active. It was incessantly aiding, preventing, permitting. It had much to promise—much to give. Its influence was already felt in a thousand ways, not only on the general conduct of affairs, but on the condition of families and the private life of every individual. Moreover, as this administration was without publicity, men were not afraid to lay bare before its eyes even their most secret infirmities. I have spent a great deal of time in studying what remains of its proceedings, both at Paris and in several provinces.¹

There, as I expected, I have found the whole structure of the old monarchy still in existence, with its opinions, its passions, its prejudices, and its usages. There every man spoke his mind and disclosed his innermost thoughts. I have thus succeeded in acquiring information on the former state of society, which those who lived in it did not possess, for I had before me that which had never been exposed to them.

As I advanced in these researches I was surprised perpetually to find again in the France of that time many of the characteristic features of the France of our own. I met with a multitude of feelings which I had supposed to be the offspring of the

¹ I have more especially used the archives of some of the great Intendancies, particularly that of Tours, which are very complete and relate to a very extensive district placed in the centre of France, and peopled by a million of inhabitants. My thanks are due to the young and able keeper of these records, M. Grandmaison. Other districts, amongst them that of the Île-de-France, have shown me that business was transacted in the same manner in the greater part of the kingdom.

Revolution—a multitude of ideas which I had believed to originate there—a multitude of habits which are attributed to the Revolution alone. Everywhere I found the roots of the existing state of French society deeply imbedded in the old soil. The nearer I came to 1789, the more distinctly I discerned the spirit which had presided over the formation, the birth, and the growth of the Revolution; I gradually saw the whole aspect of the Revolution uncovered before me; already it announced its temperament—its genius—itself. There, too, I found not only the reason of what it was about to perform in its first effort, but still more, perhaps, an intimation of what it was eventually to leave behind it. For the French Revolution has had two totally distinct phases: the first, during which the French seemed eager to abolish everything in the past; the second, when they sought to resume a portion of what they had relinquished. Many of the laws and political practices of the old monarchy thus suddenly disappeared in 1789, but they occur again some years later, as some rivers are lost in the earth to burst forth again lower down, and bear the same waters to other shores.

The peculiar object of the work I now submit to the public is to explain why this great Revolution, which was in preparation at the same time over almost the whole continent of Europe, broke out in France sooner than elsewhere; why it sprang spontaneously from the society it was about to destroy; and, lastly, how the old French Monarchy came to fall so completely and so abruptly.

It is not my intention that the work I have commenced should

stop short at this point. I hope, if time and my own powers permit it, to follow, through the vicissitudes of this long Revolution, these same Frenchmen with whom I have lived so familiarly under the old monarchy, and whom that state of society had formed—to see them modified and transformed by the course of events, but without changing their nature, and constantly appearing before us with features somewhat different, but ever to be recognised.

With them I shall proceed to review that first epoch of 1789, when the love of equality and that of freedom shared their hearts—when they sought to found not only the institutions of democracy, but the institutions of freedom—not only to destroy privileges, but to acknowledge and to sanction rights: a time of youth, of enthusiasm, of pride, of generous and sincere passion, which, in spite of its errors, will live for ever in the memory of men, and which will still long continue to disturb the slumbers of those who seek to corrupt or to enslave them.

Thus rapidly following the track of this same Revolution, I shall attempt to show by what events, by what faults, by what miscarriages, this same French people was led at last to relinquish its first aim, and, forgetful of freedom, to aspire only to become the equal servants of the World's Master—how a Government, stronger and far more absolute than that which the Revolution had overthrown, grasped and concentrated all the powers of the nation, suppressed the liberties which had been so dearly bought, putting in their place the counterfeit of freedom

—calling ‘sovereignty of the people’ the suffrages of electors who can neither inform themselves nor concert their operations, nor, in fact, choose—calling ‘vote of taxes’ the assent of mute and enslaved assemblies; and while thus robbing the nation of the right of self-government, of the great securities of law, of freedom of thought, of speech, and of the pen—that is, of all the most precious and the most noble conquests of 1789—still daring to assume that mighty name.

I shall pause at the moment when the Revolution appears to me to have nearly accomplished its work and given birth to the modern society of France. That society will then fall under my observation: I shall endeavour to point out in what it resembles the society which preceded it, in what it differs, what we have lost in this immense displacement of our institutions, what we have gained by it, and, lastly, what may be our future.

A portion of this second work is sketched out, though still unworthy to be offered to the public. Will it be given me to complete it? Who can say? The destiny of men is far more obscure than that of nations.

I hope I have written this book without prejudice, but I do not profess to have written it without passion. No Frenchman should speak of his country and think of this time unmoved. I acknowledge that in studying the old society of France in each of its parts I have never entirely lost sight of the society of more recent times. I have sought not only to discover the disease of which the patient died, but also the means by which life might

have been preserved. I have imitated that medical analysis which seeks in each expiring organ to catch the laws of life. My object has been to draw a picture strictly accurate, and at the same time instructive. Whenever I have met amongst our progenitors with any of those masculine virtues which we most want and which we least possess—such as a true spirit of independence, a taste for great things, faith in ourselves and in a cause—I have placed them in relief: so, too, when I have found in the laws, the opinions, and the manners of that time traces of some of those vices which after having consumed the former society of France still infest us, I have carefully brought them to the light, in order that, seeing the evil they have done us, it might better be understood what evils they may still engender. To accomplish this object I confess I have not feared to wound either persons, or classes, or opinions, or recollections of the past, however worthy of respect they may be. I have done so often with regret, but always without remorse. May those whom I have thus perhaps offended forgive me in consideration of the honest and disinterested object which I pursue.

Many will perhaps accuse me of showing in this book a very unseasonable love of freedom—a thing for which it is said that no one any longer cares in France.

I shall only beg those who may address to me this reproach to consider that this is no recent inclination of my mind. More than twenty years ago, speaking of another community, I wrote almost textually the following observations.

Amidst the darkness of the future three truths may be clearly discovered. The first is, that all the men of our time are impelled by an unknown force which they may hope to regulate and to check, but not to conquer—a force which sometimes gently moves them, sometimes hurries them along, to the destruction of aristocracy. The second is, that of all the communities in the world those which will always be least able permanently to escape from absolute government are precisely the communities in which aristocracy has ceased to exist, and can never exist again. Lastly, the third is, that despotism nowhere produces more pernicious effects than in these same communities, for more than any other form of government despotism favours the growth of all the vices to which such societies are specially liable, and thus throws an additional weight on that side to which, by their natural inclination, they were already prone.

Men in such countries, being no longer connected together by any ties of caste, of class, of corporation, of family, are but too easily inclined to think of nothing but their private interests, ever too ready to consider themselves only, and to sink into the narrow precincts of self, in which all public virtue is extinguished. Despotism, instead of combating this tendency, renders it irresistible, for it deprives its subjects of every common passion, of every mutual want, of all necessity of combining together, of all occasions of acting together. It immures them in private life: they already tended to separation; despotism isolates them: they were already chilled in their mutual regard; despotism

reduces them to ice.

In such societies, in which nothing is stable, every man is incessantly stimulated by the fear of falling and by eagerness to rise; and as money, while it has become the principal mark by which men are classed and distinguished, has acquired an extraordinary mobility, passing without cessation from hand to hand, transforming the condition of persons, raising or lowering that of families, there is scarcely a man who is not compelled to make desperate and continual efforts to retain or to acquire it. The desire to be rich at any cost, the love of business, the passion of lucre, the pursuit of comfort and of material pleasures, are therefore in such communities the prevalent passions. They are easily diffused through all classes, they penetrate even to those classes which had hitherto been most free from them, and would soon enervate and degrade them all, if nothing checked their influence. But it is of the very essence of despotism to favour and extend that influence. These debilitating passions assist its work: they divert and engross the imaginations of men away from public affairs, and cause them to tremble at the bare idea of a revolution. Despotism alone can lend them the secrecy and the shade which put cupidity at its ease, and enable men to make dishonourable gains whilst they brave dishonour. Without despotic government such passions would be strong: with it they are sovereign.

Freedom alone, on the contrary, can effectually counteract in communities of this kind the vices which are natural to

them, and restrain them on the declivity along which they glide. For freedom alone can withdraw the members of such a community from the isolation in which the very independence of their condition places them by compelling them to act together. Freedom alone can warm and unite them day by day by the necessity of mutual agreement, of mutual persuasion, and mutual complaisance in the transaction of their common affairs. Freedom alone can tear them from the worship of money, and the petty squabbles of their private interests, to remind them and make them feel that they have a Country above them and about them. Freedom alone can sometimes supersede the love of comfort by more energetic and more exalted passions—can supply ambition with larger objects than the acquisition of riches—can create the light which enables us to see and to judge the vices and the virtues of mankind.

Democratic communities which are not free may be rich, refined, adorned, magnificent, powerful by the weight of their uniform mass; they may contain many private merits—good fathers of families, honest traders, estimable men of property; nay, many good Christians will be found there, for their country is not of this world, and the glory of their faith is to produce such men amidst the greatest depravity of manners and under the worst government. The Roman Empire in its extreme decay was full of such men. But that which, I am confident, will never be found in such societies is a great citizen, or, above all, a great people; nay, I do not hesitate to affirm that the common level

of the heart and the intellect will never cease to sink as long as equality of conditions and despotic power are combined there.

Thus I thought and thus I wrote twenty years ago. I confess that since that time nothing has occurred in the world to induce me to think or to write otherwise. Having expressed the good opinion I had of Freedom at a time when Freedom was in favour, I may be allowed to persist in that opinion though she be forsaken.

Let it also be considered that even in this I am less at variance with most of my antagonists than perhaps they themselves suppose. Where is the man who, by nature, should have so mean a soul as to prefer dependence on the caprices of one of his fellow-creatures to obedience to laws which he has himself contributed to establish, provided that his nation appear to him to possess the virtues necessary to use freedom aright? There is no such man. Despots themselves do not deny the excellence of freedom, but they wish to keep it all to themselves, and maintain that all other men are utterly unworthy of it. Thus it is not on the opinion which may be entertained of freedom that this difference subsists, but on the greater or the less esteem we may have for mankind; and it may be said with strict accuracy that the taste a man may show for absolute government bears an exact ratio to the contempt he may profess for his countrymen. I pause before I can be converted to that opinion.

I may add, I think, without undue pretensions, that the volume now published is the product of very extended labours. Sometimes a short chapter has cost me more than a year of

researches. I might have surcharged my pages with notes, but I have preferred to insert them in a limited number at the end of the volume, with a reference to the pages of the text to which they relate. In these notes the reader will find some illustrations and proofs of what I have advanced. I could largely augment the quantity of them if this book should appear to require it.

STATE OF SOCIETY IN FRANCE
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REVOLUTION OF 1789.

BOOK I

CHAPTER I

OPPOSING JUDGMENTS PASSED ON THE FRENCH REVOLUTION AT ITS ORIGIN

Nothing is better fitted to give a lesson in modesty to philosophers and statesmen than the history of the French Revolution; for never were there events more important, longer in ripening, more fully prepared, or less foreseen.

The great Frederick himself, with all his genius, failed to perceive what was coming, and was almost in contact with the event without seeing it. Nay, more, he even acted in the spirit of the Revolution beforehand, and was in some sort its precursor, and already its agent; yet he did not recognise its approach, and when at length it made its appearance, the new and extraordinary features which were to distinguish its aspect, amidst the countless crowd of human revolutions, still passed unheeded.

The curiosity of all other countries was on the stretch. Everywhere an indistinct conception arose amongst the nations that a new period was at hand, and vague hopes were excited of

great changes and reforms; but no one as yet had any suspicion of what the Revolution was really to become. Princes and their ministers lacked even the confused presentiment by which the masses were agitated; they beheld in the Revolution only one of those periodical disorders to which the constitutions of all nations are subject, and of which the only result is to open fresh paths for the policy of their neighbours. Even when they did chance to express a true opinion on the events before them, they did so unconsciously. Thus the principal sovereigns of Germany assembled at Pillnitz in 1791, proclaimed indeed that the danger which threatened royalty in France was common to all the established powers of Europe, and that all were threatened by the same peril; but in fact they believed nothing of the kind. The secret records of the period prove that they held this language only as a specious pretext to cover their real designs, or at least to colour them in the eyes of the multitude.

As for themselves, they were convinced that the French Revolution was an accident merely local and temporary, which they had only to turn to good account. With this notion they laid plans, made preparations, and contracted secret alliances; they quarrelled among themselves for the division of their anticipated spoils; split into factions, entered into combinations, and were prepared for almost every event, except that which was impending.

The English indeed, taught by their own history and enlightened by the long practice of political freedom, perceived

dimly, as through a thick veil, the approaching spectre of a great revolution; but they were unable to distinguish its real shape, and the influence it was so soon to exercise upon the destinies of the world and upon their own was unforeseen. Arthur Young, who travelled over France just as the Revolution was on the point of breaking out, and who regarded it as imminent, so entirely mistook its real character, that he thought it was a question whether it would not increase existing privileges. 'As for the nobility and clergy,' says he, 'if this Revolution were to make them still more preponderant, I think it would do more harm than good.'

Burke, whose genius was illuminated by the hatred with which the Revolution inspired him from its birth, Burke himself hesitated, for a moment uncertain, at the sight. His first prediction was that France would be enervated, and almost annihilated by it. 'France is, at this time, in a political light, to be considered as expunged out of the system of Europe; whether she could ever appear in it again as a leading power, was not easy to determine; but at present he considered France as not politically existing; and, most assuredly, it would take up much time to restore her to her former active existence. *Gallos quoque in bellis floruisse audivimus*, might possibly be the language of the rising generation.'

[2]

The judgment of those on the spot was not less erroneous than that of distant observers. On the eve of the outbreak of the Revolution, men in France had no distinct notion of what it

would do. Amidst the numerous instructions to the delegates of the States General I have found but two which manifest some degree of apprehension of the people. The fears expressed all relate to the preponderance likely to be retained by royalty, or the Court, as it was still called. The weakness and the short duration of the States General were a source of anxiety, and fears were entertained that they might be subjected to violence. The nobility were especially agitated by these fears. Several of their instructions provide, 'The Swiss troops shall take an oath never to bear arms against the citizens, not even in case of riot or revolt.' Only let the States General be free, and all abuses would easily be destroyed; the reform to be made was immense, but easy.

Meanwhile the Revolution pursued its course. By degrees the head of the monster became visible, its strange and terrible aspect was disclosed; after destroying political institutions it abolished civil institutions also; after changing the laws it changed the manners, the customs, and even the language of France; after overthrowing the fabric of government it shook the foundations of society, and rose against the Almighty himself. The Revolution soon overflowed the boundaries of France with a vehemence hitherto unknown, with new tactics, with sanguinary doctrines, with *armed opinions*—to use the words of Pitt—with an inconceivable force which struck down the barriers of empires, shattered the crowns of Europe, trampled on its people, though, strange to say, it won them to its cause; and, as all these things came to pass, the judgment of the world changed.

That which at first had seemed to the princes and statesmen of Europe to be one of the accidents common in the life of a nation, now appeared to them an event so unprecedented, so contrary to all that had ever happened in the world, and, at the same time, so wide-spread, so monstrous, and so incomprehensible, that the human mind was lost in amazement at the spectacle. Some believed that this unknown power, which nothing seemed to foster or to destroy, which no one was able to check, and which could not check itself, must drive all human society to its final and complete dissolution. Many looked upon it as the visible action of the devil upon earth. 'The French Revolution has a Satanic character,' says M. de Maistre, as early as 1797. Others, on the contrary, perceived in it a beneficent design of Providence to change the face not only of France but of the world, and to create, as it were, a new era of mankind. In many writers of that time may be seen somewhat of the religious terror which Salvian felt at the incursion of the Barbarians. Burke, reverting to his first impressions, exclaimed, 'Deprived of the old government, deprived in a manner of all government, France, fallen as a monarchy, to common speculators, might have appeared more likely to be an object of pity or insult, according to the disposition of the circumjacent powers, than to be the scourge and terror of them all; but out of the tomb of the murdered monarchy in France has arisen a vast, tremendous, unformed spectre, in a far more terrific guise than any which ever yet have overpowered the imagination, and subdued the fortitude of man. Going straight

forward to its end unappalled by peril, unchecked by remorse, despising all common maxims and all common means, that hideous phantom overpowered those who could not believe it was possible she could at all exist,' etc.²

And was the event really as extraordinary as it appeared to those who lived at the time when it took place? Was it so unprecedented, so utterly subversive, so pregnant with new forms and ideas as they imagined it to be? What was the real meaning, the real character—what have been the permanent effects of this strange and terrible Revolution? What did it, in reality, destroy, and what has it created?

The proper moment for examining and deciding these questions seems now to have arrived, and we are now standing at the precise point whence this vast phenomenon may best be viewed and judged. We are far enough removed from the Revolution to be but slightly touched by the passions which blinded those who brought it about, and we are near enough to it to enter into the spirit which caused these things to happen. Ere long this will have become more difficult; for as all great revolutions, when successful, sweep away the causes which engendered them, their very success serves to render them unintelligible to later generations.

² Letters on a Regicide Peace.

CHAPTER II

THE FUNDAMENTAL AND FINAL OBJECT OF THE REVOLUTION WAS NOT, AS HAS BEEN SUPPOSED, THE DESTRUCTION OF RELIGIOUS AUTHORITY AND THE WEAKENING OF POLITICAL POWER

One of the first acts of the French Revolution was to attack the Church; and amongst all the passions born of the Revolution the first to be excited and the last to be allayed were the passions hostile to religion. Even when the enthusiasm for liberty had vanished, and tranquillity had been purchased at the price of servitude, the nation still revolted against religious authority. Napoleon, who had succeeded in subduing the liberal spirit of the French Revolution, made vain efforts to restrain its antichristian spirit; and even in our own time we have seen men who thought to atone for their servility towards the meanest agents of political power by insolence towards God, and who whilst they abandoned all that was most free, most noble, and most lofty in the doctrines of the Revolution, flattered themselves that they still remained true to its spirit by remaining irreligious.

Nevertheless it is easy now to convince ourselves that the

war waged against religions was but one incident of this great Revolution, a feature striking indeed but transient in its aspect, a passing result of the ideas, the passions, and special events which preceded and prepared it, and not an integral part of its genius.

The philosophy of the eighteenth century has rightly been looked upon as one of the chief causes of the Revolution, and it is quite true that this philosophy was profoundly irreligious. But we must be careful to observe that it contains two distinct and separable parts.

One of these relates to all the new or newly revived opinions concerning the condition of society, and the principles of civil and political laws, such, for instance, as the natural equality of mankind, and the abolition of all privileges of caste, of class, of profession, which is the consequence of that equality; the sovereignty of the people, the omnipotence of social power, the uniformity of laws. All these doctrines were not only causes of the French Revolution, they were its very substance: of all its effects they are the most fundamental, the most lasting, and the most true, as far as time is concerned.

In the other part of their doctrines the philosophers of the eighteenth century attacked the Church with the utmost fury; they fell foul of her clergy, her hierarchy, her institutions, her dogmas; and, in order more surely to overthrow them, they endeavoured to tear up the very foundations of Christianity. But as this part of the philosophy of the eighteenth century arose out of the very abuses which the Revolution destroyed, it

necessarily disappeared together with them, and was as it were buried beneath its own triumph. I will add but one word to make myself more fully understood, as I shall return hereafter to this important subject: it was in the character of a political institution, far more than in that of a religious doctrine, that Christianity had inspired such fierce hatreds; it was not so much because the priests assumed authority over the concerns of the next world, as because they were landowners, landlords, tithe-owners, and administrators in this world; not because the Church was unable to find a place in the new society which was about to be constituted, but because she filled the strongest and most privileged place in the old state of society which was doomed to destruction.

Observe how the progress of time has made and still makes this truth more and more palpable day by day. In the same measure that the political effects of the Revolution have become more firmly established, its irreligious results have been annihilated; in the same measure that all the old political institutions which the Revolution attacked have been entirely destroyed—that the powers, the influences, and the classes which were the objects of its especial hostility have been irrevocably crushed, until even the hatred they inspired has begun to lose its intensity—in the same measure, in short, as the clergy has separated itself more and more from all that formerly fell with it, we have seen the power of the Church gradually regain and re-establish its ascendancy over the minds of men.

Neither must it be supposed that this phenomenon is peculiar to France; there is hardly any Christian church in Europe that has not recovered vitality since the French Revolution.

It is a great mistake to suppose that the democratic state of society is necessarily hostile to religion: nothing in Christianity, or even in Catholicism, is absolutely opposed to the spirit of this form of society, and many things in democracy are extremely favourable to it. Moreover, the experience of all ages has shown that the most living root of religious belief has ever been planted in the heart of the people. All the religions which have perished lingered longest in that abode, and it would be strange indeed if institutions which tend to give power to the ideas and passions of the people were, as a permanent and inevitable result, to lead the minds of men towards impiety.

What has just been said of religious, may be predicated even more strongly of social, authority.

When the Revolution overthrew at once all the institutions and all the customs which up to that time had maintained certain gradations in society, and kept men within certain bounds, it seemed as if the result would be the total destruction not only of one particular order of society, but of all order: not only of this or that form of government, but of all social authority; and its nature was judged to be essentially anarchical. Nevertheless, I maintain that this too was true only in appearance.

Within a year from the beginning of the revolution, Mirabeau wrote secretly to the King: 'Compare the new state of things

with the old rule; there is the ground for comfort and hope. One part of the acts of the National Assembly, and that the more considerable part, is evidently favourable to monarchical government. Is it nothing to be without parliaments? without the *pays d'état*? without a body of clergy? without a privileged class? without a nobility? The idea of forming a single class of all the citizens would have pleased Richelieu; this equality of the surface facilitates the exercise of power. Several successive reigns of an absolute monarchy would not have done as much for the royal authority as this one year of revolution.' Such was the view of the Revolution taken by a man capable of guiding it.

As the object of the French Revolution was not only to change an ancient form of government, but also to abolish an ancient state of society, it had to attack at once every established authority, to destroy every recognised influence, to efface all traditions, to create new manners and customs, and, as it were, to purge the human mind of all the ideas upon which respect and obedience had hitherto been based. Thence arose its singularly anarchical character.

But, clear away the ruins, and you behold an immense central power, which has attracted and absorbed into unity all the fractions of authority and influence which had formerly been dispersed amongst a host of secondary powers, orders, classes, professions, families and individuals, and which were disseminated throughout the whole fabric of society. The world had not seen such a power since the fall of the Roman Empire.

This power was created by the Revolution, or rather it arose spontaneously out of the ruins which the Revolution had left. The governments which it founded are more perishable, it is true, but a hundred times more powerful than any of those which it overthrew; we shall see hereafter that their fragility and their power were owing to the same causes.

It was this simple, regular, and imposing form of power which Mirabeau perceived through the dust and rubbish of ancient, half-demolished institutions. This object, in spite of its greatness, was still invisible to the eyes of the many, but time has gradually unveiled it to all eyes. At the present moment it especially attracts the attention of rulers: it is looked upon with admiration and envy not only by those whom the Revolution has created, but by those who are the most alien and the most hostile to it; all endeavour, within their own dominions, to destroy immunities and to abolish privileges. They confound ranks, they equalise classes, they supersede the aristocracy by public functionaries, local franchises by uniform enactments, and the diversities of authority by the unity of a Central Government. They labour at this revolutionary task with unwearied industry, and when they meet with occasional obstacles, they do not scruple to copy the measures as well as the maxims of the Revolution. They have even stirred up the poor against the rich, the middle classes against the nobility, the peasants against their feudal lords. The French Revolution has been at once their curse and their instructor.

CHAPTER III

SHOWING THAT THE FRENCH REVOLUTION WAS A POLITICAL REVOLUTION WHICH FOLLOWED THE COURSE OF RELIGIOUS REVOLUTIONS, AND FOR WHAT REASONS

All mere civil and political revolutions have had some country for their birth-place, and have remained circumscribed within its limits. The French Revolution, however, had no territorial boundary—far from it; one of its effects has been to efface as it were all ancient frontiers from the map of Europe. It united or it divided mankind in spite of laws, traditions, characters, and languages, turning fellow-countrymen into enemies, and foreigners into brothers; or rather, it formed an intellectual country common to men of every nation, but independent of all separate nationalities.

We should search all the annals of history in vain for a political revolution of the same character; that character is only to be found in certain religious revolutions. And accordingly it is to them that the French Revolution must be compared, if any light is to be thrown upon it by analogy.

Schiller remarks, with truth, in his 'History of the Thirty

Years' War,' that the great Reformation of the sixteenth century had the effect of bringing together nations which scarcely knew each other, and of closely uniting them by new sympathies. Thus it was that Frenchmen warred against Frenchmen, while Englishmen came to their assistance; men born on the most distant shores of the Baltic penetrated into the very heart of Germany in order to defend Germans of whose existence they had never heard until then. International wars assumed something of the character of civil wars, whilst in every civil war foreigners were engaged. The former interests of every nation were forgotten in behalf of new interests; territorial questions were succeeded by questions of principle. The rules of diplomacy were involved in inextricable confusion, greatly to the horror and amazement of the politicians of the time. The very same thing happened in Europe after 1789.

The French Revolution was then a political revolution, which in its operation and its aspect resembled a religious one. It had every peculiar and characteristic feature of a religious movement; it not only spread to foreign countries, but it was carried thither by preaching and by propaganda. It is impossible to conceive a stranger spectacle than that of a political revolution which inspires proselytism, which its adherents preach to foreigners with as much ardour and passion as they have shown in enacting it at home. Of all the new and strange things displayed to the world by the French Revolution, this assuredly is the newest. On penetrating deeper into this matter, we shall most likely

discover that this similarity of effects must be produced by a latent similarity of causes.

The general character of most religions is, that they deal with man by himself, without taking into consideration whatever the laws, the traditions, and the customs of each country may have added to his original nature. Their principal aim is to regulate the relations of man towards God, and the rights and duties of men towards each other, independently of the various forms of society. The rules of conduct which they inculcate apply less to the man of any particular country or period than to man as a son, a father, a servant, a master, or a neighbour. Being thus based on human nature itself, they are applicable to all men, and at all times, and in all places. It is owing to this cause that religious revolutions have so often spread over such vast spheres of action, and have seldom been confined, like political revolutions, to the territory of a single nation, or even of a single race. If we investigate this subject still more closely, we shall find that the more any religion has possessed the abstract and general character to which I refer, the wider has it spread, in spite of all differences of laws, of climate, and of races.

The pagan religions of antiquity, which were all more or less bound up with the political constitution or the social condition of each nation, and which displayed even in their dogmas a certain national, and even municipal, character, seldom spread beyond their own territorial limits. They sometimes engendered intolerance and persecution, but proselytism was

to them unknown. Accordingly there were no great religious revolutions in Western Europe previous to the introduction of Christianity, which easily broke through barriers that had been insurmountable to the pagan religions, and rapidly conquered a large portion of the human race. It is no disrespect to this holy religion to say, that it partly owed its triumph to the fact that it was more free than any other faith from everything peculiar to any one nation, form of government, social condition, period, or race.

The French Revolution proceeded, as far as this world is concerned, in precisely the same manner that religious revolutions proceed with regard to the next; it looked upon the citizen in the abstract, irrespective of any particular society, just as most religions look upon man in general independently of time or country. It did not endeavour merely to define what were the especial rights of a French citizen, but what were the universal duties and rights of all men in political matters. It was by thus recurring to that which was least peculiar and, we might almost say, most *natural* in the principles of society and of government that the French Revolution was rendered intelligible to all men, and could be imitated in a hundred different places.

As it affected to tend more towards the regeneration of mankind than even towards the reform of France, it roused passions such as the most violent political revolutions had never before excited. It inspired a spirit of proselytism and created the propaganda. This gave to it that aspect of a religious revolution

which so terrified its contemporaries, or rather, we should say, it became a kind of new religion in itself—a religion, imperfect it is true, without a God, without a worship, without a future life, but which nevertheless, like Islam, poured forth its soldiers, its apostles, and its martyrs over the face of the earth.

It must not, however, be imagined that the mode of operation pursued by the French Revolution was altogether without precedent, or that all the ideas which it developed were entirely new. In every age, even in the depths of the Middle Ages, there had been agitators who invoked the universal laws of human society in order to subvert particular customs, and who have attempted to oppose the constitutions of their own countries with weapons borrowed from the natural rights of mankind. But all these attempts had failed; the firebrand which ignited Europe in the eighteenth century had been easily extinguished in the fifteenth. Revolutions are not to be produced by arguments of this nature until certain changes have already been effected in the condition, the habits, and the manners of a nation, by which the minds of men are prepared to undergo a change.

There are periods in which men differ so completely from each other, that the notion of a single law applicable to all is entirely incomprehensible to them. There are others in which it is sufficient to show to them from afar off the indistinct image of such a law in order to make them recognise it at once, and hasten to adopt it.

The most extraordinary phenomenon is not so much that the

French Revolution should have pursued the course it did, and have developed the ideas to which it gave rise, but that so many nations should have reached a point at which such a course could be effectually employed and such maxims be readily admitted.

CHAPTER IV

SHOWING THAT NEARLY THE WHOLE OF EUROPE HAD HAD PRECISELY THE SAME INSTITUTIONS, AND THAT THESE INSTITUTIONS WERE EVERYWHERE FALLING TO PIECES

The tribes which overthrew the Roman Empire, and which in the end formed all the modern nations of Europe, differed among each other in race, in country, and in language; they only resembled each other in barbarism. Once established in the dominions of the empire they engaged in a long and fierce struggle, and when at length they had gained a firm footing they found themselves divided by the very ruins they had made. Civilisation was almost extinct, public order at an end, the relations between man and man had become difficult and dangerous, and the great body of European society was broken up into thousands of small distinct and hostile societies, each of which lived apart from the rest. Nevertheless certain uniform laws arose all at once out of the midst of this incoherent mass.

These institutions were not copied from the Roman

legislation;³ indeed they were so much opposed to it that recourse was had to the Roman law to alter and abolish them. They have certain original characteristics which distinguish them from all other laws invented by mankind. They corresponded to each other in all their parts, and, taken together, they formed a body of law so compact that the articles of our modern codes are not more perfectly coherent; they were skilfully framed laws intended for a half-savage state of society.

It is not my purpose to inquire how such a system of legislation could have arisen, spread, and become general throughout Europe. But it is certain that in the Middle Ages it existed more or less in every European nation, and that in many it prevailed to the exclusion of every other.

I have had occasion to study the political institutions of the Middle Ages in France, in England, and in Germany, and the further I proceeded in my labours the more was I astonished at the prodigious similarity which existed amongst all these various sets of laws; and the more did I wonder how nations so different, and having so little intercourse, could have contrived laws so much alike. Not but they continually and almost immeasurably differ in their details and in different countries, but the basis is invariably the same. If I discovered a political institution, a law, a fixed authority, in the ancient Germanic legislation, I was sure, on searching further, to find something exactly analogous to it in France and in England. Each of these three nations helped me

³ See Note I., on the Power of the Roman Law in Germany.

more fully to understand the others.

In all three the government was carried on according to the same maxims, political assemblies were formed out of the same elements, and invested with the same powers. Society was divided in the same manner, and the same gradation of classes subsisted in each; in all three the position of the nobles, their privileges, their characteristics, and their disposition were identical; as men they were not distinguishable, but rather, properly speaking, the same men in every place.

The municipal constitutions were alike; the rural districts were governed in the same manner. The condition of the peasantry differed but little; the land was owned, occupied, and tilled after the same fashion, and the cultivators were subjected to the same burthens. From the confines of Poland to the Irish Channel, the Lord's estate, the manorial courts, the fiefs, the quit-rents, feudal service, feudal rights, and the corporations or trading guilds, were all alike. Sometimes the very names were the same; and what is still more remarkable, the same spirit breathes in all these analogous institutions. I think I may venture to affirm, that in the fourteenth century the social, political, administrative, judicial, economical, and literary institutions of Europe were more nearly akin to each other than they are at the present time, when civilisation appears to have opened all the channels of communication, and to have levelled every obstacle.

It is no part of my scheme to relate how this ancient constitution of Europe gradually became wasted and decayed;

it is sufficient to remark that in the eighteenth century it was everywhere falling into ruin.⁴ On the whole, its decline was less marked in the east than in the west of the continent; but on all sides old age and decrepitude were visible.

The progress of this gradual decay of the institutions of the Middle Ages may be followed in the archives of the different nations. It is well known that each manor kept rolls called *terriers*, in which from century to century were recorded the limits of fiefs and the quit-rents, the dues, the services to be rendered, and the local customs. I have seen rolls of the thirteenth and fourteenth centuries which are masterpieces of method, perspicuity, concision, and acuteness. The further we advance towards modern times the more obscure, ill-digested, defective, and confused do they become, in spite of the general progress of enlightenment. It seems as if political society became barbarous, while civil society advances towards civilisation.

Even in Germany, where the ancient constitution of Europe had preserved many more of its primitive features than in France, some of the institutions which it had created were already completely destroyed. But we shall not be so well able to appreciate the ravages of time when we take into account what was gone, as when we examine the condition of what was left.

The municipal institutions which in the thirteenth and fourteenth centuries had raised the chief towns of Germany into rich and enlightened small republics, still existed in the

⁴ See Note II., on the passage from Feudal to Democratic Monarchy.

eighteenth; but they were a mere semblance of the past. Their ancient traditions seemed to continue in force; the magistrates appointed by them bore the same titles and seemed to perform the same functions; but the activity, the energy, the municipal patriotism, the manly and prolific virtues which they formerly inspired, had disappeared. These ancient institutions appeared to have collapsed without losing the form that distinguished them.⁵

All the powers of the Middle Ages which were still in existence seemed to be affected by the same disease; all showed symptoms of the same languor and decay. Nay more, whatever was mixed up with the constitution of that time, and had retained a strong impression of it, even without absolutely belonging to those institutions, at once lost its vitality. Thus it was that the aristocracy was seized with senile debility; even political freedom, which had filled the preceding centuries with its achievements, seemed stricken with impotency wherever it preserved the peculiar characteristics impressed upon it by the Middle Ages. Wherever the Provincial Assemblies had maintained their ancient constitution unchanged, they checked instead of furthering the progress of civilisation; they seemed insensible and impervious to the new spirit of the times. Accordingly the hearts of the people turned from them towards their sovereigns. The antiquity of these institutions had not made them venerable: on the contrary, the older they grew the more they fell into discredit; and, strangely enough, they inspired more

⁵ See Note III., on the Decay of the Free Towns of Germany.

and more hatred in proportion as their decay rendered them less capable of mischief. 'The actual state of things,' said a German writer, who was a friend and contemporary of the period anterior to the French Revolution, 'seems to have become generally offensive to all, and sometimes contemptible. It is strange to see with what disfavour men now look upon all that is old. New impressions creep into the bosom of our families and disturb their peace. Our very housewives will no longer endure their ancient furniture.' Nevertheless, at this time Germany, as well as France, enjoyed a high state of social activity and constantly increasing prosperity. But it must be borne in mind that all the elements of life, activity and production, were new, and not only new, but antagonistic to the past.

Royalty no longer had anything in common with the royalty of the Middle Ages, it enjoyed other prerogatives, occupied a different place, was imbued with a different spirit, and inspired different sentiments; the administration of the State spread in all directions upon the ruins of local authorities; the organised array of public officers superseded more and more the government of the nobles. All these new powers employed methods and followed maxims which the men of the Middle Ages had either not known or had condemned; and, indeed, they belong to a state of society of which those men could have formed no idea.

In England, where, at the first glance, the ancient constitution of Europe might still seem in full vigour, the case is the same. Setting aside the ancient names and the old forms, in

England the feudal system was substantially abolished in the seventeenth century; all classes of society began to intermingle, the pretensions of birth were effaced, the aristocracy was thrown open, wealth was becoming power, equality was established before the law, public employments were open to all, the press became free, the debates of Parliament public; every one of them new principles, unknown to the society of the Middle Ages. It is precisely these new elements, gradually and skilfully incorporated with the ancient constitution of England, which have revived without endangering it, and filled it with new life and vigour without destroying the ancient forms. In the seventeenth century England was already quite a modern nation, which had still preserved, and, as it were, embalmed some of the relics of the Middle Ages.

This rapid view of the state of things beyond the boundaries of France was essential to the comprehension of what is about to follow; for no one who has seen and studied France only, can ever—I venture to affirm—understand anything of the French Revolution.

CHAPTER V

WHAT WAS THE PECULIAR SCOPE OF THE FRENCH REVOLUTION

The preceding pages have had no other purpose than to throw some light on the subject in hand, and to facilitate the solution of the questions which I laid down in the beginning, namely, what was the real object of the Revolution? What was its peculiar character? For what precise reason it was made, and what did it effect?

The Revolution was not made, as some have supposed, in order to destroy the authority of religious belief. In spite of appearances, it was essentially a social and political Revolution; and within the circle of social and political institutions it did not tend to perpetuate and give stability to disorder, or (as one of its chief adversaries had said) to methodise anarchy; but rather to increase the power and the rights of public authority. It was not destined (as others have believed) to change the whole character which civilisation had previously assumed, to check its progress, or even essentially to alter any of the fundamental laws upon which human society in Western Europe is based. If we divest it of all the accidental circumstances which altered its aspect in different countries and at various times, and consider

only the Revolution itself, we shall clearly perceive that its only effect has been to abolish those political institutions which during several centuries had been in force among the greater part of the European nations, and which are usually designated as feudal institutions, in order to substitute a more uniform and simple state of society and politics, based upon an equality of social condition.

This was quite sufficient to constitute an immense revolution, for not only were these ancient institutions mixed up and interwoven with almost all the religious and political laws of Europe, but they had also given rise to a crowd of ideas, sentiments, habits, and manners which clung around them. Nothing less than a frightful convulsion could suddenly destroy and expel from the social body a part to which all its organs adhered. This made the Revolution appear even greater than it really was; it seemed to destroy everything, for what it did destroy was bound up with, and formed, as it were, one flesh with everything in the social body.

However radical the Revolution may have been, its innovations were, in fact, much less than has been commonly supposed, as I shall show hereafter. What may truly be said is, that it entirely destroyed, or is still destroying (for it is not at an end), every part of the ancient state of society that owed its origin to aristocratic and feudal institutions—everything in any way connected with those institutions, or in any degree, however slight, imbued with their spirit. It spared no part of the old world,

save such as had always been foreign to those institutions, or could exist apart from them. Least of all was the Revolution a fortuitous event. It took the world by surprise, it is true, but it was not the less the completion of a long process, the sudden and violent termination of a work which had successively passed before the eyes of ten generations. If it had not taken place, the old social structure would equally have fallen sooner in one place and later in another—only it would have crumbled away by degrees instead of falling with a crash. The Revolution effected on a sudden and by a violent and convulsive effort, without any transition, without forethought, without mercy, that which would have happened little by little if left to itself. This was its work.

It is surprising that this view of the subject, which now seems so easy to discern, should have been so obscured and confused even to the clearest perceptions.

‘Instead of redressing their grievances,’ says Burke of the representatives of the French nation, ‘and improving the fabric of their state, to which they were called by their monarch and sent by their country, they were made to take a very different course. They first destroyed all the balances and counterpoises which serve to fix the State and to give it a steady direction, and which furnish sure correctives to any violent spirit which may prevail in any of the orders. These balances existed in the oldest constitution and in the constitution of all the countries in Europe. These they rashly destroyed, and then they melted down

the whole into one incongruous, ill-connected mass.⁶

Burke did not perceive that he had before his eyes the very Revolution which was to abolish the ancient common law of Europe; he could not discern that this and no other was the very question at issue.

But why, we may ask, did this Revolution, which was imminent throughout Europe, break out in France rather than elsewhere, and why did it there display certain characteristics which have appeared nowhere else, or at least have appeared only in part? This second question is well worthy of consideration, and the inquiry will form the subject of the following book.

⁶ Burke's speech on the Army Estimates, 1790.

BOOK II

CHAPTER I

WHY FEUDAL RIGHTS HAD BECOME MORE ODIOS TO THE PEOPLE IN FRANCE THAN IN ANY OTHER COUNTRY

It must at first sight excite surprise that the Revolution, whose peculiar object it was, as we have seen, everywhere to abolish the remnant of the institutions of the Middle Ages, did not break out in the countries in which these institutions, still in better preservation, caused the people most to feel their constraint and their rigour, but, on the contrary, in the countries where their effects were least felt; so that the burden seemed most intolerable where it was in reality least heavy.

In no part of Germany, at the close of the eighteenth century, was serfdom as yet completely abolished,⁷ and in the greater part of Germany the people were still literally *adscripti glebæ*, as in the Middle Ages. Almost all the soldiers who fought in the armies

⁷ See Note IV., Date of Abolition of Serfdom in Germany.

of Frederic II. and of Maria Theresa were in reality serfs.⁸ In most of the German States, as late as 1788, a peasant could not quit his domain, and if he quitted it he might be pursued in all places wherever he could be found, and brought back by force. In that domain he lived subject to the seignorial jurisdiction which controlled his domestic life and punished his intemperance or his sloth. He could neither improve his condition, nor change his calling, nor marry without the good pleasure of his master. To the service of that master a large portion of his time was due. Labour rents (*corvées*) existed to their full extent, and absorbed in some of these countries three days in the week. The peasant rebuilt and repaired the mansion of the lord, carted his produce to market, drove his carriage, and went on his errands. Several years of the peasant's early life were spent in the domestic service of the manor-house. The serf might, however, become the owner of land, but his property always remained very incomplete. He was obliged to till his field in a certain manner under the eye of the master, and he could neither dispose of it nor mortgage it at will. In some cases he was compelled to sell its produce; in others he was restrained from selling it; his obligation to cultivate the ground was absolute. Even his inheritance did not descend without deduction to his offspring; a fine was commonly subtracted by the lord.

I am not seeking out these provisions in obsolete laws. They are to be met with even in the Code framed by Frederic the Great

⁸ See Note V.

and promulgated by his successor at the very time of the outbreak of the French Revolution.⁹

Nothing of the kind had existed in France for a long period of time. The peasant came, and went, and bought, and sold, and dealt, and laboured, as he pleased. The last traces of serfdom could only be detected in one or two of the eastern provinces annexed to France by conquest; everywhere else the institution had disappeared; and indeed its abolition had occurred so long before that even the date of it was forgotten. The researches of archæologists of our own day have proved that as early as the thirteenth century serfdom was no longer to be met with in Normandy.

But in the condition of the people in France another and a still greater revolution had taken place. The French peasant had not only ceased to be a serf; he had become an Owner of Land. This fact is still at the present time so imperfectly established, and its consequences, as will presently be seen, have been so remarkable, that I must be permitted to pause for a moment to examine it.

It has long been believed that the subdivision of landed property in France dates from the Revolution of 1789, and was only the result of that Revolution. The contrary is demonstrable by every species of evidence.

Twenty years at least before that Revolution, Agricultural Societies were in existence which already deplored the excessive

⁹ See Note VI.

subdivision of the soil. 'The division of inheritances,' said M. de Turgot, about the same time, 'is such that what sufficed for a single family is shared among five or six children. These children and their families can therefore no longer subsist exclusively by the land.' Necker said a few years later that there was in France an *immensity* of small rural properties.

I have met the following expressions in a secret Report made to one of the provincial Intendants a few years before the Revolution:—'Inheritances are divided in an equal and alarming manner, and as every one wishes to have something of everything, and everywhere, the plots of land are infinitely divided and perpetually subdivided.' Might not this sentence have been written in our days?

I have myself taken the infinite pains to reconstruct, as it were, the survey of landed property as it existed in France before the Revolution, and I have in some cases effected my object. In pursuance of the law of 1790, which established the land-tax, each parish had to frame a return of the landed properties then existing within its boundaries. These returns have for the most part disappeared; nevertheless I have found them in a few villages, and by comparing them with the rolls of the present holders, I have found that, in these villages, the number of landed proprietors at that time amounted to one-half, frequently to two-thirds, of their present number: a fact which is the more remarkable if it be remembered that the total population of France has augmented by more than one-fourth since that period.

Already, as at the present time, the love of the peasant for property in land was intense, and all the passions which the possession of the soil has engendered in his nature were already inflamed. 'Land is always sold above its value,' said an excellent contemporary observer; 'which arises from the passion of all the inhabitants to become owners of the soil. All the savings of the lower orders which elsewhere are placed out at private interest, or in the public securities, are intended in France for the purchase of land.'

Amongst the novelties which Arthur Young observed in France, when he visited that country for the first time, none struck him more than the great division of the soil among the peasantry. He averred that half the soil of France belonged to them in fee. 'I had no idea,' he often says, 'of such a state of things;' and it is true that such a state of things existed at that time nowhere but in France, or in the immediate neighbourhood of France.

In England there had been peasant landowners, but the number of them had already considerably decreased. In Germany there had been at all times and in all parts of the country a certain number of peasant freeholders, who held portions of the soil in fee. The peculiar and often eccentric laws which regulated the property of these peasants are to be met with in the oldest of the Germanic customs; but this species of property was always of an exceptional character, and the number of these small proprietors

was very limited.¹⁰

The districts of Germany in which, at the close of the eighteenth century, the peasants were possessed of land and lived almost as freely as in France, lay on the banks of the Rhine.¹¹ In those same districts the revolutionary passions of France spread with the utmost velocity, and have always been most intense. The tracts of Germany which remained, on the contrary, for the longest time inaccessible to these passions, are those where no such tenures of land had yet been introduced. The observation deserves to be made.

It is, then, a vulgar error to suppose that the subdivision of landed property in France dates from the Revolution. This state of things is far older. The Revolution, it is true, caused the lands of the Church and a great portion of the lands of the nobility to be sold; but if any one will take the trouble, as I have sometimes done, to refer to the actual returns and entries of these sales, it will be seen that most of these lands were purchased by persons who already held other lands; so that though the property changed hands, the number of proprietors increased far less than is supposed. There was already an *immensity* of these persons, to borrow the somewhat ambitious but, in this case, not inaccurate expression of M. Necker.

The effect of the Revolution was not to divide the soil, but to liberate it for a moment. All these small landowners were, in

¹⁰ See Note VII., Peasant Lands in Germany.

¹¹ See Note VIII., Nobility and Lands on the Rhine.

reality, ill at ease in the cultivation of their property, and had to bear many charges or easements on the land which they could not shake off.

These charges were no doubt onerous.¹² But the cause which made them appear insupportable was precisely that which might have seemed calculated to diminish the burden of them. The peasants of France had been released, more than in any other part of Europe, from the government of their lords, by a revolution not less momentous than that which had made them owners of the soil.

Although what is termed in France the *Ancien Régime* is still very near to us, since we live in daily intercourse with men born under its laws, that period seems already lost in the night of time. The radical revolution which separates us from it has produced the effect of ages: it has obliterated all that it has not destroyed. Few persons therefore can now give an accurate answer to the simple question—How were the rural districts of France administered before 1789? And indeed no answer can be given to that question with precision and minuteness, without having studied, not books, but the administrative records of that period.

It is often said that the French nobility, which had long ceased to take part in the government of the State, preserved to the last the administration of the rural districts—the *Seigneurs* governed the peasantry. This again is very like a mistake.

¹² See Note IX., Effect of Usury Laws on Land.

In the eighteenth century all the affairs of the parish were managed by a certain number of parochial officers, who were no longer the agents of the manor or domain, and whom the Lord no longer selected. Some of these persons were nominated by the Intendant of the province, others were elected by the peasants themselves. The duty of these authorities was to assess the taxes, to repair the church, to build schools, to convoke and preside over the vestry or parochial meeting. They attended to the property of the parish and determined the application of it—they sued and were sued in its name. Not only the lord of the domain no longer conducted the administration of these small local affairs, but he did not even superintend it. All the parish officers were under the government or the control of the central power, as we shall show in a subsequent chapter. Nay, more, the Seigneur had almost ceased to act as the representative of the Crown in the parish, or as the channel of communication between the King and his subjects. He was no longer expected to apply in the parish the general laws of the realm, to call out the militia, to collect the taxes, to promulgate the mandates of the sovereign, or to distribute the bounty of the Crown. All these duties and all these rights belonged to others. The Seigneur was in fact no longer anything but an inhabitant of the parish, separated by his own immunities and privileges from all the other inhabitants. His rank was different, not his power. *The Seigneur is only the principal inhabitant* was the instruction constantly given by the Provincial Intendants to their Sub-delegates.

If we quit the parish, and examine the constitution of the larger rural districts, we shall find the same state of things. Nowhere did the nobles conduct public business either in their collective or their individual capacity. This was peculiar to France. Everywhere else the characteristic features of the old feudal society were partially preserved: the possession of the soil and the government of those who dwelt on the soil were still commingled.

England was administered as well as governed by the chief owners of the soil. Even in those parts of Germany, as in Prussia and in Austria, in which the reigning princes had been most successful in shaking off the control of the nobles in the general affairs of the state, they had left to that class, to a great degree, the administration of rural affairs, and though the landed proprietor was, in some places, controlled by the Government, his authority had nowhere been superseded.

To say the truth, the French nobility had long since lost all hold on the administration of public affairs, except on one single-point, that namely of justice. The principal nobles still retained the right of having judges who decided certain suits in their name, and occasionally established police regulations within the limits of their domain; but the power of the Crown had gradually cut down, limited, and subdued this seignorial jurisdiction to such a degree that the nobles who still exercised it regarded it less as a source of authority than as a source of income.

Such had been the fate of all the peculiar rights of the French

nobility. The political element had disappeared; the pecuniary element alone remained, and in some instances had been largely increased.

I speak at this moment of that portion of the beneficial privileges of the aristocracy, which were especially called by the name of feudal rights, since they were the privileges which peculiarly touched the people.

It is not easy to ascertain in what these rights did precisely still consist in 1789, for the number of them had been great, their diversity amazing, and many of these rights had already vanished or undergone a transformation; so that the meaning of the terms by which they were designated was perplexing even to contemporaries, and is become obscure to us. Nevertheless by consulting the works of the domanial jurists of the eighteenth century, and from attentive researches into local customs, it will be found that all the rights still in existence at that time may be reduced to a small number of leading heads; all the others still subsisted, it is true, but only in isolated cases.

The traces of seignorial labour-rents (*corvées*) may almost everywhere be detected, but they were already half extinguished. Most of the tolls on roads had been reduced or abolished; yet there were few provinces in which some such tolls were not still to be met with. Everywhere too Seigneurs levied dues on fairs and markets. Throughout France they had the exclusive right of sporting. Generally they alone could keep dovecotes and pigeons; almost everywhere the peasant was compelled to grind at the

seignorial mill, and to crush his grapes in the seignorial wine-press. A very universal and onerous seignorial right was that of the fine called *lods et ventes*, paid to the lord every time lands were bought or sold within the boundaries of his manor. All over the country the land was burdened with quit-rents, rent-charges, or dues in money or in kind, due to the lord from the copyholder, and not redeemable by the latter. Under all these differences one common feature may be traced. All these rights were more or less connected with the soil or with its produce; they all bore upon him who cultivates it.¹³

The spiritual lords of the soil enjoyed the same advantages; for the Church, which had a different origin, a different purpose, and a different nature from the feudal system, had nevertheless at last intimately mingled itself with that system; and though never completely incorporated with that foreign substance, it had struck so deeply into it as to be incrustated there.¹⁴

Bishops, canons, and incumbents held fiefs or charges on the land in virtue of their ecclesiastical functions. A convent had generally the lordship of the village in which it stood. The Church held serfs in the only part of France in which they still existed: it levied its labour-rents, its due on fairs and markets; it had the common oven, the common mill, the common wine-press, and the common bull. Moreover, the clergy still enjoyed in France,

¹³ See Note X., Abuse of Feudal Rights.

¹⁴ See Note XI., Ecclesiastical Feudal Rights.

as in all the rest of Christendom, the right of tithe.¹⁵

But what I am here concerned to remark is, that throughout Europe at that time the same feudal rights—*identically the same*—existed, and that in most of the continental states they were far more onerous than in France. I may quote the single instance of the seignorial claim for labour: in France this right was unfrequent and mild; in Germany it was still universal and harsh.

Nay more, many of the rights of feudal origin which were held in the utmost abhorrence by the last generation of Frenchmen, and which they considered as contrary not only to justice but to civilisation—such as tithes, inalienable rent-charges or perpetual dues, fines or heriots, and what were termed, in the somewhat pompous language of the eighteenth century, *the servitude of the soil*, might all be met with at that time, to a certain extent, in England, and many of them exist in England to this day. Yet they do not prevent the husbandry of England from being the most perfect and the most productive in the world, and the English people is scarcely conscious of their existence.

How comes it then that these same feudal rights excited in the hearts of the people of France so intense a hatred that this passion has survived its object, and seems therefore to be unextinguishable? The cause of this phenomenon is, that, on the one hand, the French peasant had become an owner of the soil; and that, on the other, he had entirely escaped from the

¹⁵ See Note XII., Rights of the Abbey of Cherbourg.

government of the great landlords. Many other causes might doubtless be indicated, but I believe these two to be the most important.

If the peasant had not been an owner of the soil, he would have been insensible to many of the burdens which the feudal system had cast upon landed property. What matters tithe to a tenant farmer? He deducts it from his rent. What matters a rent-charge to a man who is not the owner of the ground? What matter even the impediments to free cultivation to a man who cultivates for another?

On the other hand, if the French peasant had still lived under the administration of his landlord, these feudal rights would have appeared far less insupportable, because he would have regarded them as a natural consequence of the constitution of the country.

When an aristocracy possesses not only privileges but powers, when it governs and administers the country, its private rights may be at once more extensive and less perceptible. In the feudal times, the nobility were regarded pretty much as the government is regarded in our own; the burdens they imposed were endured in consideration of the security they afforded. The nobles had many irksome privileges; they possessed many onerous rights; but they maintained public order, they administered justice, they caused the law to be executed, they came to the relief of the weak, they conducted the business of the community. In proportion as the nobility ceased to do these things, the burden of their privileges appeared more oppressive, and their existence

became an anomaly.

Picture to yourself a French peasant of the eighteenth century, or, I might rather say, the peasant now before your eyes, for the man is the same; his condition is altered, but not his character. Take him as he is described in the documents I have quoted—so passionately enamoured of the soil, that he will spend all his savings to purchase it, and to purchase it at any price. To complete this purchase he must first pay a tax, not to the government, but to other landowners of the neighbourhood, as unconnected as himself with the administration of public affairs, and hardly more influential than he is. He possesses it at last; his heart is buried in it with the seed he sows. This little nook of ground, which is his own in this vast universe, fills him with pride and independence. But again these neighbours call him from his furrow, and compel him to come to work for them without wages. He tries to defend his young crops from their game; again they prevent him. As he crosses the river they wait for his passage to levy a toll. He finds them at the market, where they sell him the right of selling his own produce; and when, on his return home, he wants to use the remainder of his wheat for his own sustenance—of that wheat which was planted by his hands, and has grown under his eyes—he cannot touch it till he has ground it at the mill and baked it at the bakehouse of these same men. A portion of the income of his little property is paid away in quit-rents to them also, and these dues can neither be extinguished nor redeemed.

Whatever he does, these troublesome neighbours are

everywhere on his path, to disturb his happiness, to interfere with his labour, to consume his profits; and when these are dismissed, others in the black garb of the Church present themselves to carry off the clearest profit of his harvest. Picture to yourself the condition, the wants, the character, the passions of this man, and compute, if you are able, the stores of hatred and of envy which are accumulated in his heart.¹⁶

Feudalism still remained the greatest of all the civil institutions of France, though it had ceased to be a political institution. Reduced to these proportions, the hatred it excited was greater than ever; and it may be said with truth that the destruction of a part of the institutions of the Middle Ages rendered a hundred times more odious that portion which still survived.¹⁷

¹⁶ See Note XIII., Irritation caused to the Peasantry by Feudal Rights, and especially by the Feudal Rights of the Clergy.

¹⁷ See Note XIV., Effect of Feudalism on state of Real Property.

CHAPTER II

SHOWING THAT ADMINISTRATIVE CENTRALISATION IS AN INSTITUTION ANTERIOR IN FRANCE TO THE REVOLUTION OF 1789, AND NOT THE PRODUCT OF THE REVOLUTION OR OF THE EMPIRE, AS IS COMMONLY SAID

At a period when political assemblies still existed in France, I once heard an orator, in speaking of administrative centralisation, call it, 'that admirable achievement of the Revolution which Europe envies us.' I will concede the fact that centralisation is an admirable achievement; I will admit that Europe envies us its possession, but I maintain that it is not an achievement of the Revolution. On the contrary, it is a product of the former institutions of France, and, I may add, the only portion of the political constitution of the monarchy which survived the Revolution, inasmuch as it was the only one that could be made to adapt itself to the new social condition brought about by that Revolution. The reader who has the patience to read the present chapter with attention will find that I have proved to demonstration this proposition.

I must first beg to be allowed to put out of the question what were called *les pays d'état*, that is to say, the provinces that managed their own affairs, or rather had the appearance, in part, of managing them. These provinces, placed at the extremities of the kingdom, did not contain more than a quarter of the total population of France; and there were only two among them in which provincial liberty possessed any real vitality. I shall revert to them hereafter, and show to what an extent the central power had subjected these very states to the common mould.¹⁸ But for the present I desire to give my principal attention to what was called in the administrative language of the day, *les pays d'élection*, although, in truth, there were fewer elections in them than anywhere else. These districts encompassed Paris on every side, they were contiguous, and formed the heart and the better part of the territory of France.

To any one who may cast a glance over the ancient administration of the kingdom, the first impression conveyed is that of a diversity of regulations and authorities, and the entangled complication of the different powers. France was covered with administrative bodies and distinct officers, who had no connection with one another, but who took part in the government in virtue of a right which they had purchased, and which could not be taken from them; but their duties were frequently so intermingled and so nearly contiguous as to press

¹⁸ See the last chapter of this Book (xxi.) for a fuller account of the local government of Languedoc.

and clash together within the range of the same transactions.

The courts of justice took an indirect part in the legislative power, and possessed the right of framing administrative regulations which became obligatory within the limits of their own jurisdiction. Sometimes they maintained an opposition to the administration, properly so called, loudly blamed its measures and proscribed its agents. Police ordinances were promulgated by simple justices in the towns and boroughs where they resided.

The towns had a great diversity of constitutions, and their magistrates bore different designations—sometimes as mayors, sometimes as consuls, or again as syndics, and derived their powers from different sources. Some were chosen by the king, others by the lord of the soil or by the prince holding the fief; some again were elected for a year by their fellow-citizens, whilst others purchased the right of governing them permanently.

These different powers were the last remains of the ancient system; but something comparatively new or greatly modified had by degrees established itself among them, and this I have yet to describe.

In the centre of the kingdom, and close to the throne, there had been gradually formed an administrative body of extraordinary authority, in the grasp of which every power was united after a new fashion: this was the King's Council. Its origin was ancient, but the greater part of its functions were of recent date. It was at once a supreme court of justice, inasmuch as it had the right

to quash the judgments of all the ordinary courts, and a superior administrative tribunal, inasmuch as every special jurisdiction was dependent on it in the last resort. It possessed, moreover, as a Council of State, subject to the pleasure of the King, a legislative power, for it discussed and proposed the greater part of the laws, and fixed and assessed the taxes. As the superior administrative board, it had to frame the general regulations which were to direct the agents of the Government. Within its walls all important affairs were decided and all secondary powers controlled. Everything finally came home to it; from that centre was derived the movement which set everything in motion. Yet it possessed no inherent jurisdiction of its own. The King alone decided, even when the Council appeared to advise, and even when it seemed to administer justice, it consisted of no more than simple 'givers of advice'—an expression used by the Parliament in one of its remonstrances.

This Council was not composed of men of rank, but of personages of middling or even low extraction, former Intendants or other men of that class thoroughly versed in the management of business, all of whom were liable to dismissal by the Crown. It generally proceeded in its course quietly and discreetly, displaying less pretension than real power; and thus it had but little lustre of its own, or, rather, it was lost in the splendour of the throne to which it stood so near; at once so powerful that everything came within its scope, and so obscure that it has scarcely been remarked by history.

As the whole administration of the country was directed by a single body, so nearly the entire management of home affairs was entrusted to the care of one single agent—the Comptroller-General. On opening an almanack of France before the Revolution, it will be found that each province had its special minister; but on studying the administration itself in the legal records of the time, it will soon be seen that the minister of the province had but few occasions of any importance for exercising his authority. The common course of business was directed by the Comptroller-General, who gradually took upon himself all the affairs that had anything to do with money, that is to say, almost the whole public administration; and who thus performed successively the duties of minister of finance, minister of the interior, minister of public works, and minister of trade.

As, in truth, the central administration had but one agent in Paris, so it had likewise but a single agent in each province. Nobles were still to be found in the eighteenth century bearing the titles of governors of provinces; they were the ancient and often the hereditary representatives of feudal royalty. Honours were still bestowed upon them, but they no longer had any power. The Intendant was in possession of the whole reality of government.

This Intendant was a man of humble extraction, always a stranger to the province, and a young man who had his fortune to make. He never exercised his functions by any right of election, birth, or purchase of office; he was chosen by the

government among the inferior members of the Council of State, and was always subject to dismissal. He represented the body from which he was thus severed, and, for that reason, was called, in the administrative language of the time, a Detached Commissioner. All the powers which the Council itself possessed were accumulated in his hands, and he exercised them all in the first instance. Like the Council, he was at once administrator and judge. He corresponded with all the ministers, and in the province was the sole agent of all the measures of the government.

In each canton was placed below him an officer nominated by himself, and removable at will, called the Sub-delegate. The Intendant was very commonly a newly-created noble; the Sub-delegate was always a plebeian. He nevertheless represented the entire Government in the small, circumscribed space assigned to him as much as the Intendant did in the whole; and he was amenable to the Intendant as the Intendant was to the minister.

The Marquis d'Argenson relates in his 'Memoirs,' that one day Law said to him, "I never could have believed what I saw, when I was Comptroller of Finance. Do you know that this kingdom of France is governed by thirty *Intendants*? You have neither parliament, nor estates, nor governors. It is upon thirty Masters of Requests, despatched into the provinces, that their evil or their good, their fertility or their sterility, entirely depends."

These powerful officers of the Government were, however, completely eclipsed by the remnants of the ancient aristocracy,

and lost in the brilliancy which that body still shed around it. So that, even in their own time, they were scarcely seen, although their finger was already on everything. In society the nobles had over such men the advantages of rank, wealth, and the consideration always attached to what is ancient. In the Government the nobility were immediately about the person of the Prince, and formed his Court, commanded the fleets, led the armies, and, in short, did all that most attracts the observation of contemporaries, and too often absorbs the attention of posterity. A man of high rank would have been insulted by the proposal to appoint him an Intendant. The poorest man of family would generally have disdained the offer. In his eyes the Intendants were the representatives of an upstart power, new men appointed to govern the middle classes and the peasantry, and, as for the rest, very sorry company. Yet, as Law said, and as we shall see, these were the men who governed France.

To commence with the right of taxation, which includes, as it were, all other rights. It is well known a part of the taxes were farmed. In these cases the King's Council negotiated with the financial companies, fixed the terms of the contract, and regulated the mode of collection. All the other taxes, such as the *taille*, the capitation-tax, and the *vingtièmes* were fixed and levied by the agents of the central administration or under their all-powerful control.

The Council, every year, by a secret decision, fixed the amount of the *taille* and its numerous accessories, and likewise its

distribution among the provinces. The *taille* had thus increased from year to year, though public attention was never called to the fact, no noise being made about it.

As the *taille* was an ancient tax, its assessment and collection had been formerly confided to local agents, who were all, more or less, independent of the Government by right of birth or election, or by purchase of office; they were the lords of the soil, the parochial collectors, the treasurers of France, or officers termed the *élus*. These authorities still existed in the eighteenth century, but some had altogether ceased to busy themselves about the *taille*, whilst others only did so in a very secondary and entirely subordinate manner. Even here the entire power was in the hands of the Intendant and his agents; he alone, in truth, assessed the *taille* in the different parishes, directed and controlled the collectors, and granted delays of payments or exemptions.

As the other taxes, such as the capitation tax, were of recent date, the Government was no longer embarrassed in respect to them by the remnants of former powers, but dealt with them without any intervention of the parties governed. The Comptroller-General, the Intendant, and the Council fixed the amount of each quota.

Let us leave the question of money for that of men.

It is sometimes a matter of astonishment how the French can have so patiently borne the yoke of the military conscription at the time of the Revolution and ever since; but it must be borne in mind that they had been already broken in to bear it for a

long period of time. The conscription had been preceded by the militia, which was a heavier burden, although the amount of men required was less. From time to time the young men in the country were made to draw lots, and from among them were taken a certain number of soldiers, who were formed into militia regiments, in which they served for six years.

As the militia was a comparatively modern institution, none of the ancient feudal powers meddled with it; the whole business was intrusted to the agents of the Central Government alone. The Council fixed the general amount of men and the share of each province. The Intendant regulated the number of men to be raised in each parish; his Sub-delegate superintended the drawing of the lots, decided all cases of exemption, designated those militia-men who were allowed to remain with their families and those who were to join the regiment, and finally delivered over the latter to the military authorities. There was no appeal except to the Intendant or the Council.

It may be said with equal accuracy that, except in the *pays d'état*, all the public works, even those that had a very special destination, were decided upon and managed by the agents of the central power alone.

There certainly existed local and independent authorities, who, like the seigneur, the boards of finance, and the *grands voyers* (surveyors of public roads), had the power of taking a part in such matters of public administration. But all these ancient authorities, as may be seen by the slightest examination of the

administrative documents of the time, bestirred themselves but little, or bestirred themselves no longer. All the great roads, and even the cross-roads leading from one town to another, were made and kept up at the cost of the public revenue. The Council decided the plan and contracted for its execution. The Intendant directed the engineering works, and the Sub-delegate got together the compulsory labourers who were to execute them. The care of the by-roads was alone left to the old local authorities, and they became impassable.

As in our days, the body of the *Ponts et Chaussées* was the great agent of the Central Government in relation to public works, and, in spite of the difference of the times, a very remarkable resemblance is to be found in their constitution now and then. The administration of the *Ponts et Chaussées* had a council and a school, inspectors who annually travelled over the whole of France, and engineers who resided on the spot and who were appointed to direct the works under the orders of the Intendant. A far greater number of the institutions of the old monarchy than is commonly supposed have been handed down to the modern state of French society, but in their transmission they have generally lost their names, even though they still preserve the same forms. As a rare exception, the *Ponts et Chaussées* have preserved both one and the other.

The Central Government alone undertook, with the help of its agents, to maintain public order in the provinces. The *maréchaussée*, or mounted police, was dispersed in small

detachments over the whole surface of the kingdom, and was everywhere placed under the control of the Intendants. It was by the help of these soldiers, and, if necessary, of regular troops, that the Intendant warded off any sudden danger, arrested vagabonds, repressed mendicity, and put down the riots, which were continually arising from the price of corn. It never happened, as had been formerly the case, that the subjects of the Crown were called upon to aid the Government in this task, except indeed in the towns, where there was generally a town-guard, the soldiers of which were chosen and the officers appointed by the Intendant.

The judicial bodies had preserved the right of making police regulations, and frequently exercised it; but these regulations were only applicable to a part of the territory, and, more generally, to one spot only. The Council had the power of annulling them, and frequently did annul them in cases of subordinate jurisdiction. But the Council was perpetually making general regulations applicable to all parts of the kingdom, either relative to subjects different from those which the tribunals had already settled, or applicable to those which they had settled in another manner. The number of these regulations, or *arrêts du Conseil*, as they were then called, was immense; and they seem to have constantly increased the nearer we approach the Revolution. There is scarcely a single matter of social economy or political organisation that was not reorganised by these *arrêts du Conseil* during the forty years preceding that

event.

Under the ancient feudal state of society, the lord of the soil, if he possessed important rights, had, at the same time, very heavy obligations. It was his duty to succour the indigent in the interior of his domains. The last trace of this old European legislation is to be found in the Prussian Code of 1795, which says, 'The lord of the soil must see that the indigent peasants receive an education. It is his duty to provide means of subsistence to those of his vassals who possess no land, as far as he is able. If any of them fall into want, he must come to their assistance.'

But no law of the kind had existed in France for a long time. The lord, when deprived of his former power, considered himself liberated from his former obligations; and no local authority, no council, no provincial or parochial association, had taken his place. No single being was any longer compelled by law to take care of the poor in the rural districts, and the Central Government had boldly undertaken to provide for their wants by its own resources.

Every year the Council assigned to each province certain funds derived from the general produce of the taxes, which the Intendant distributed for the relief of the poor in the different parishes. It was to him that the indigent labourer had to apply, and, in times of scarcity, it was he who caused corn or rice to be distributed among the people. The Council annually issued ordinances for the establishment of charitable workshops (*ateliers de charité*) where the poorer among the peasantry were

enabled to find work at low wages, and the Council took upon itself to determine the places where these were necessary. It may be easily supposed, that alms thus bestowed from a distance were indiscriminate, capricious, and always very inadequate.¹⁹

The Central Government, moreover, did not confine itself to relieving the peasantry in time of distress; it also undertook to teach them the art of enriching themselves, encouraged them in this task, and forced them to it, if necessary.²⁰ For this purpose, from time to time, it caused distributions of small pamphlets upon the science of agriculture to be made by its Intendants and their Sub-delegates, founded schools of agriculture, offered prizes, and kept up, at a great expense, nursery-grounds, of which it distributed the produce. It would seem to have been more wise to have lightened the weight and modified the inequality of the burdens which then oppressed the agriculture of the country, but such an idea never seems to have occurred.

Sometimes the Council insisted upon compelling individuals to prosper, whether they would or no. The ordinances constraining artisans to use certain methods and manufacture certain articles are innumerable; and as the Intendants had not time to superintend the application of all these regulations, there were inspectors-general of manufactures, who visited in the provinces to insist on their fulfilment. Some of the *arrêts du Conseil* even prohibited the cultivation of certain crops which the

¹⁹ See Note XV., Public Relief, and Note XVI.

²⁰ See Note XVII., Powers of the Intendant for the Regulation of Trade.

Council did not consider proper for the purpose; whilst others ordered the destruction of such vines as had been, according to its opinion, planted in an unfavourable soil. So completely had the Government already changed its duty as a sovereign into that of a guardian.

CHAPTER III

SHOWING THAT WHAT IS NOW CALLED ADMINISTRATIVE TUTELAGE WAS AN INSTITUTION IN FRANCE ANTERIOR TO THE REVOLUTION

In France municipal freedom outlived the feudal system. Long after the landlords were no longer the rulers of the country districts, the towns still retained the right of self-government. Some of the towns of France continued down to nearly the close of the seventeenth century to form, as it were, small democratic commonwealths, in which the magistrates were freely elected by the whole people and were responsible to the people—in which municipal life was still public and animated—in which the city was still proud of her rights and jealous of her independence.

These elections were generally abolished for the first time in 1692. The municipal offices were then what was called put up to sale (*mises en offices* was the technical expression), that is to say, the King sold in each town to some of the inhabitants the right of perpetually governing all their townsmen.

This measure cost the towns at once their freedom and their well-being; for if the practice of the sale of commissions for a

public employment sometimes proved useful in its effects when applied to the courts of justice—since the first condition of the good administration of justice is the complete independence of the judge—this system never failed to be extremely mischievous whenever it was applied to posts of administrative duty, which demand, above all things, responsibility, subordination, and zeal. The Government of the old French monarchy was perfectly aware of the real effects of such a system. It took great care not to adopt for itself the same mode of proceeding which it applied to the towns, and scrupulously abstained from putting up to sale the commissions of its own Intendants and Sub-delegates.

And it well deserves the whole scorn of history that this great change was accomplished without any political motive. Louis XI. had curtailed the municipal liberties of the towns, because he was alarmed by their democratic character;²¹ Louis XIV. destroyed them under no such fears. The proof is that he restored these rights to all the towns which were rich enough to buy them back again. In reality, his object was not to abolish them, but to traffic in them; and if they were actually abolished, it was, without meaning it, by a mere fiscal expedient. The same thing was carried on for more than eighty years. Seven times within that period the Crown resold to the towns the right of electing their magistrates, and as soon as they had once more tasted this blessing, it was snatched away to be sold to them once more. The motive of the measure was always the same, and

²¹ See Note XVIII., Spirit of the Government of Louis XI.

frequently avowed. 'Our financial necessities,' says the preamble to an edict of 1722, 'compel us to have recourse to the most effectual means of relieving them.' The mode was effectual, but it was ruinous to those who bore this strange impost. 'I am struck with the enormity of the sums which have been paid at all times to purchase back the municipal offices,' writes an Intendant to the Comptroller-General in 1764. 'The amount of these sums spent in useful improvements would have turned to the advantage of the town, which has, on the contrary, felt nothing but the weight of authority and the privileges of these offices.' I have not detected a more shameful feature in the whole aspect of the government of France before the Revolution.

It seems difficult to say with precision at the present time how the towns of France were governed in the eighteenth century; for, besides that the origin of the municipal authorities fluctuated incessantly, as has just been stated, each town still preserved some fragments of its former constitution and its peculiar customs. There were not, perhaps, two towns in France in which everything was exactly similar; but this apparent diversity is fallacious, and conceals a general resemblance.²²

In 1764 the Government proposed to make a general law on the administration of the towns of France, and for this purpose it caused reports to be sent in by the Intendants of the Crown on the existing municipal government of the country. I have discovered a portion of the results of this inquiry, and I have

²² See Note XIX., Administration of a French Town in the Eighteenth Century.

fully satisfied myself by the perusal of it that the municipal affairs of all these towns were conducted in much the same manner. The distinctions are merely superficial and apparent—the groundwork is everywhere the same.

In most instances the government of the towns was vested in two assemblies. All the great towns were thus governed, and some of the small ones. The first of these assemblies was composed of municipal officers, more or less numerous according to the place. These formed the executive body of the community, the corporation or *corps de la ville*, as it was then termed. The members of this body exercised a temporary power, and were elected when the King had restored the elective power, or when the town had been able to buy up its offices. They held their offices permanently upon a certain payment to the Crown, when the Crown had appropriated the patronage and succeeded in disposing of it by sale, which was not always the case; for this sort of commodity declined in value precisely in proportion to the increasing subordination of the municipal authority to the central power. These municipal officers never received any stipend, but they were remunerated by exemptions from taxation and by privileges. No regular gradation of authority seems to have been established among them—their administration was collective. The mayor was the president of the corporation, not the governor of the city.

The second assembly, which was termed the general assembly, or as we should say in England the *livery*, elected the

corporation, wherever it was still subject to election, and always continued to take a part in the principal concerns of the town.

In the fifteenth century this general assembly frequently consisted of the whole population. 'This custom,' said one of the authors of these Reports, 'was consistent with the popular spirit of our forefathers.' At that time the whole people elected their own municipal officers; this body was sometimes consulted by the corporation, and to this body the corporation was responsible. At the end of the seventeenth century the same state of things might sometimes be met with.

In the eighteenth century the people acting as a body had ceased to meet in this general assembly; it had by that time become representative. But, it must be carefully remarked, that this body was no longer anywhere elected by the bulk of the community, or impressed with its spirit. It was invariably composed of *notables*, some of whom sat there in virtue of a personal right; others were deputed by guilds or companies, from which each of them received imperative instructions.

As this century rolled on, the number of these notables sitting in virtue of their own right augmented in the popular assembly; the delegates of the working guilds fell away or disappeared altogether. They were superseded by the delegates of the great companies, or, in other words, the assembly contained only burgesses and scarcely any artisans. Then the citizens, who are not so easily imposed on by the empty semblance of liberty as is sometimes supposed, ceased everywhere to take an interest

in the affairs of the town, and lived like strangers within their own walls. In vain the civic magistrates attempted from time to time to revive that civic patriotism which had done so many wonders in the Middle Ages. The people remained deaf. The greatest interests of the town no longer appeared to affect the citizens. They were asked to give their suffrages when the vain counterfeit of a free election had been retained; but they stood aloof. Nothing is more frequent in history than such an occurrence. Almost all the princes who have destroyed freedom have attempted at first to preserve the forms of freedom, from Augustus to our own times; they flattered themselves that they should thus combine the moral strength which public assent always gives, with the conveniences which absolute power can alone offer. But almost all of them have failed in this endeavour, and have soon discovered that it is impossible to prolong these false appearances where the reality has ceased to exist.

In the eighteenth century the municipal government of the towns of France had thus everywhere degenerated into a contracted oligarchy. A few families managed all the public business for their own private purposes, removed from the eye of the public, and with no public responsibility. Such was the morbid condition of this administration throughout the whole of France. All the Intendants pointed it out; but the only remedy they suggested was the increased subjection of the local authorities to the Central Government.

In this respect, however, it was difficult for success to be

more complete. Besides the Royal edicts, which from time to time modified the administration of all the towns in France, the local by-laws of each town were frequently overruled by Orders in Council, which were not registered—passed on the recommendation of the Intendants, without any previous inquiry, and sometimes without the citizens of the towns themselves knowing anything of the matter.²³

‘This measure,’ said the inhabitants of a town which had been affected by a decree of this nature, ‘has astonished all the orders of the city, who expected nothing of the kind.’

The towns of France at this period could neither establish an octroi on articles of consumption, nor levy a rate, nor mortgage, nor sell, nor sue, nor farm their property, nor administer that property, nor even employ their own surplus revenues, without the intervention of an Order in Council, made on the report of the Intendant. All their public works were executed in conformity to plans and estimates approved by the Council. These works were adjudged to contractors before the Intendant or his Sub-delegates, and were generally intrusted to the engineers or architects of the State.

These facts will doubtless excite the surprise of those who suppose that the whole present condition of France is a novelty.

But the Central Government interfered more directly in the municipal administration of the towns than even these rules would seem to indicate; its power was far more extended than its

²³ See Note XX.

right to exercise it.

I meet with the following passage in a circular instruction, addressed about the middle of the last century by a Comptroller-General to all the Intendants of the Kingdom: ‘You will pay particular attention to all that takes place in the municipal assemblies. You will take care to have a most exact report of everything done there and of all the resolutions taken, in order to transmit them to me forthwith, accompanied with your own opinion on the subject.’

In fact it may be seen, from the correspondence of the Intendant with his subordinate officers, that the Government had a finger in all the concerns of every town, the least as well as the greatest. The Government was always consulted—the Government had always a decided opinion on every point. It even regulated the public festivities, ordered public rejoicings, caused salutes to be fired, and houses to be illuminated. On one occasion I observe that a member of the burgher guard was fined twenty livres by the Intendant for having absented himself from a *Te Deum*.

The officers of these municipal corporations had therefore arrived at a becoming sense of their own insignificance. ‘We most humbly supplicate you, Monseigneur’ (such was the style in which they addressed the King’s Intendant), ‘to grant us your good-will and protection. We will endeavour not to show ourselves unworthy of them by the submission we are ready to show to all the commands of your Greatness.’ ‘We have never

resisted your will, Monseigneur,' was the language of another body of these persons, who still assumed the pompous title of Peers of the City.

Such was the preparation of the middle classes for government, and of the people for liberty.

If at least this close dependence of the towns on the State had preserved their finances! but such was not the case. It is sometimes argued that without centralisation the towns would ruin themselves. I know not how that may be, but I know that in the eighteenth century centralisation did not prevent their ruin. The whole administrative history of that time is replete with their embarrassments.

If we turn from the towns to the villages, we meet with different powers and different forms of government, but the same dependence.²⁴

I find many indications of the fact, that in the Middle Ages the inhabitants of every village formed a community distinct from the Lord of the soil. He, no doubt, employed the community, superintended it, governed it; but the village held in common certain property, which was absolutely its own; it elected its own chiefs, and administered its affairs democratically.

This ancient constitution of the parish may be traced in all the nations in which the feudal system prevailed, and in all the countries to which these nations have carried the remnants of their laws. These vestiges occur at every turn in England, and the

²⁴ See Note XXI., Administration of a Village in the Eighteenth Century.

system was in full vigour in Germany sixty years ago, as may be demonstrated by reading the code of Frederic the Great. Even in France in the eighteenth century, some traces of it were still in existence.

I remember that, when I proceeded, for the first time, to ascertain from the archives of one of the old Intendancies of France, what was meant by a *parish* before the Revolution, I was surprised to find in this community, so poor and so enslaved, several of the characteristics which had struck me long ago in the rural townships of the United States, and which I had then erroneously conceived to be a peculiarity of society in the New World. Neither in the one nor in the other of these communities is there any permanent representation or any municipal body, in the strict sense of that term; both the one and the other were administered by officers acting separately under the direction of the whole population. In both, meetings were held from time to time, at which all the inhabitants, assembled in one body, elected their own magistrates and settled their principal affairs. These two parishes, in short, are as much alike as that which is living can be like that which is dead.

Different as have been the destinies of these two corporate beings, their birth was in fact the same.

Transported at once to regions far removed from the feudal system, and invested with unlimited authority over itself, the rural parish of the Middle Ages in Europe is become the township of New England. Severed from the lordship of the soil,

but grasped in the powerful hand of the State, the rural parishes of France assumed the form I am about to describe.

In the eighteenth century the number and the name of the parochial officers varied in the different provinces of France. The ancient records show that these officers were more numerous when local life was more active, and that they diminished in number as that life declined. In most of the parishes they were, in the eighteenth century, reduced to two persons—the one named the ‘Collector,’ the other most commonly named the ‘Syndic.’ Generally, these parochial officers were either elected, or supposed to be so; but they had everywhere become the instruments of the State rather than the representatives of the community. The Collector levied the *taille*, under the direct orders of the Intendant. The Syndic, placed under the daily direction of the Sub-delegate of the Intendant, represented that personage in all matters relating to public order or affecting the Government. He became the principal agent of the Government in relation to military service, to the public works of the State, and to the execution of the general laws of the kingdom.

The Seigneur, as we have already seen, stood aloof from all these details of government; he had even ceased to superintend them, or to assist in them; nay more, these duties, which had served in earlier times to keep up his power, appeared unworthy of his attention in proportion to the progressive decay of that power. It would at last have been an offence to his pride to

require him to attend to them. He had ceased to govern; but his presence in the parish and his privileges effectually prevented any good government from being established in the parish in place of his own. A private person differing so entirely from the other parishioners—so independent of them, and so favoured by the laws—weakened or destroyed the authority of all rules.

The unavoidable contact with such a person in the country had driven into the towns, as I shall subsequently have occasion to show, almost all those inhabitants who had either a competency or education, so that none remained about the Seigneur but a flock of ignorant and uncultivated peasants, incapable of managing the administration of their common interests. ‘A parish,’ as Turgot had justly observed, ‘is an assemblage of cabins, and of inhabitants as passive as the cabins they dwell in.’

The administrative records of the eighteenth century are full of complaints of the incapacity, indolence, and ignorance of the parochial collectors and syndics. Ministers, Intendants, Sub-delegates, and even the country gentlemen, are for ever deploring these defects; but none of them had traced these defects to their cause.

Down to the Revolution the rural parishes of France had preserved in their government something of that democratic aspect which they had acquired in the Middle Ages. If the parochial officers were to be elected, or some matter of public interest to be discussed, the village bell summoned the peasants to the church-porch, where the poor as well as the rich were

entitled to present themselves. In these meetings there was not indeed any regular debate or any decisive mode of voting, but every one was at liberty to speak his mind; and it was the duty of the notary, sent for on purpose, and operating in the open air, to collect these different opinions and enter them in a record of the proceedings.

When these empty semblances of freedom are compared with the total impotence which was connected with them, they afford an example, in miniature, of the combination of the most absolute government with some of the forms of extreme democracy; so that to oppression may be added the absurdity of affecting to disguise it. This democratic assembly of the parish could indeed express its desires, but it had no more power to execute its will than the corporate bodies in the towns. It could not speak until its mouth had been opened, for the meeting could not be held without the express permission of the Intendant, and, to use the expression of those times, which adapted their language to the fact, *'under his good pleasure.'* Even if such a meeting were unanimous, it could neither levy a rate, nor sell, nor buy, nor let, nor sue, without the permission of the King's Council. It was necessary to obtain a minute of Council to repair the damage caused by the wind to the church steeple, or to rebuild the falling gables of the parsonage. The rural parishes most remote from Paris were just as much subject to this rule as those nearest to the capital. I have found records of parochial memorials to the Council for leave to spend twenty-five livres.

The inhabitants had indeed, commonly, retained the right of electing their parochial magistrates by universal suffrage; but it frequently happened that the Intendant designated to this small electoral body a candidate who never failed to be returned by a unanimity of suffrages. Sometimes, when the election had been made by the parishioners themselves, he set it aside, named the collector and syndic of his own authority, and adjourned indefinitely a fresh election. There are thousands of such examples.

It is difficult to conceive a more cruel fate than that of these parochial officers. The lowest agent of the Central Government, the Sub-delegate, bent them to every caprice. Often they were fined, sometimes imprisoned; for the securities which elsewhere defended the citizens against arbitrary proceedings had ceased to exist for them: 'I have thrown into prison,' said an Intendant in 1750, 'some of the chief persons in the villages who grumbled, and I have made these parishes pay the expense of the horsemen of the patrol. By these means they have been easily checkmated.' The consequence was, that these parochial functions were not considered as honours, but as burdens to be evaded by every species of subterfuge.

Yet these last remnants of the ancient parochial government were still dear to the peasantry of France; and even at the present day, of all public liberties the only one they thoroughly comprehend is parochial freedom. The only business of a public nature which really interests them is to be found there. Men, who

readily leave the government of the whole nation in the hand of a master, revolt at the notion of not being able to speak their mind in the administration of their own village. So much weight is there yet in forms the most hollow.

What has been said of the towns and parishes of France may be extended to almost all the corporate bodies which had any separate existence and collective property.

Under the social condition of France anterior to the Revolution of 1789, as well as at the present day, there was no city, town, borough, village, or hamlet in the kingdom—there was neither hospital, church fabric, religious house, nor college, which could have an independent will in the management of its private affairs, or which could administer its own property according to its own choice. Then, as now, the executive administration therefore held the whole French people in tutelage; and if that insolent term had not yet been invented, the thing itself already existed.

CHAPTER IV

ADMINISTRATIVE JURISDICTION AND THE IMMUNITY OF PUBLIC OFFICERS ARE INSTITUTIONS OF FRANCE ANTERIOR TO THE REVOLUTION.²⁵

In no country in Europe were the ordinary courts of justice less dependent on the Government than in France; but in no country were extraordinary courts of justice more extensively employed. These two circumstances were more nearly connected than might be imagined. As the King was almost entirely powerless in relation to the judges of the land—as he could neither dismiss them, nor translate them, nor even, for the most part, promote them—as, in short, he held them neither

²⁵ [*Que la justice administrative et la garantie des fonctionnaires sont des institutions de l'Ancien Régime.* The difficulty of rendering these terms into intelligible English arises from the fact that at no time in the last two centuries of the history of England has the executive administration assumed a peculiar jurisdiction to itself or removed its officers from the jurisdiction of the courts of common law in this country. It will be seen in this chapter that the ordinary jurisdictions of France have always been liable to be superseded by extraordinary judicial authorities when the interests of the Government or the responsibility of its agents were at stake. The arbitrary jurisdiction of all such irregular tribunals was, in fact, abolished in England in 1641 by the Act under which fell the Court of Star Chamber and the High Commission.]

by ambition nor by fear, their independence soon proved embarrassing to the Crown. The result had been, in France, more than anywhere else, to withdraw from their jurisdiction the suits in which the authority of the Crown was directly interested, and to call into being, as it were beside them, a species of tribunal more dependent on the sovereign, which should present to the subjects of the Crown some semblance of justice without any real cause for the Crown to dread its control.

In other countries, as, for instance, in some parts of Germany, where the ordinary courts of justice had never been as independent of the Government as those of France, no such precautions were taken, and no administrative justice (as it was termed) existed. The sovereign was so far master of the judges, that he needed no special commissions.

The edicts and declarations of the Kings of France, published in the last century of the monarchy, and the Orders in Council promulgated within the same period, almost all provided on behalf of the Government, that the differences which any given measure might occasion and the litigation which might ensue, should be exclusively heard before the Intendants and before the Council. 'It is moreover ordered by his Majesty, that all the disputes which may arise upon the execution of this order, with all the circumstances and incidents thereunto belonging, shall be carried before the Intendant to be judged by him, saving an appeal to the Council, and all courts of justice and tribunals are forbidden to take cognisance of the same.' Such was the ordinary

form of these decrees.

In matters which fell under laws or customs of an earlier date, when this precaution had not been taken, the Council continually intervened, by way of what was termed *evocation*, or the calling up to its own superior jurisdiction from the hands of the ordinary officers of justice suits in which the administration of the State had an interest. The registers of the Council are full of minutes of *evocation* of this nature. By degrees the exception became the rule, and a theory was invented to justify the fact.²⁶ It came to be regarded as a maxim of state, not in the laws of France, but in the minds of those by whom those laws were applied, that all suits in which a public interest was involved, or which arose out of the construction to be put on any act of the administration, were not within the competency of the ordinary judges, whose only business it was to decide between private interests. On this point we, in more recent times, have only added a mode of expression; the idea had preceded the Revolution of 1789.

Already at that time most of the disputed questions which arose out of the collection of the revenue were held to fall under the exclusive jurisdiction of the Intendant and the King's Council.²⁷ So, too, with reference to the regulation of public waggons and stage-coaches, drainage, the navigation of rivers, etc.; and in general all the suits in which the public authorities were interested came to be disposed of by administrative

²⁶ See Note XXII.

²⁷ See Note XXIII.

tribunals only. The Intendants took the greatest care that this exceptional jurisdiction should be continually extended. They urged on the Comptroller-General, and stimulated the Council. The reason one of these officers assigned to induce the Council to call up one of these suits deserves to be remembered. 'An ordinary judge,' said he, 'is subject to fixed rules, which compel him to punish any transgression of the law; but the Council can always set aside rules for a useful purpose.'

On this principle, it often happened that the Intendant or the Council called up to their own jurisdiction suits which had an almost imperceptible connection with any subject of administrative interest, or even which had no perceptible connection with such questions at all. A country gentleman quarrels with his neighbour, and being dissatisfied with the apparent disposition of his judges, he asks the Council to *evoke* his cause. The Intendant reports that, 'although this is a case solely affecting private rights, which fall under the cognisance of the courts of justice, yet that his Majesty can always, when he pleases, reserve to himself the decision of any suit whatever, without rendering any account at all of his motives.'

It was generally before the Intendant or before the Provost of the Maréchaussée that all the lower order of people were sent for trial, by this process of evocation, when they had been guilty of public disturbances. Most of the riots so frequently caused by the high price of corn gave rise to transfers of jurisdiction of this nature. The Intendant then summoned to his court a certain

number of persons, who formed a sort of local council, chosen by himself, and with their assistance he proceeded to try criminals. I have found sentences delivered in this manner, by which men were condemned to the galleys, and even to death. Criminal trials decided by the Intendant were still common at the close of the seventeenth century.

Modern jurists in discussing this subject of administrative jurisdictions assert, that great progress has been made since the Revolution. 'Before that era,' they say, 'the judicial and administrative powers were confounded; they have since been distinguished and assigned to their respective places.' To appreciate correctly the progress here spoken of, it must never be forgotten, that if on the one hand the judicial power under the old monarchy was incessantly extending beyond the natural sphere of its authority, yet on the other hand that sphere was never entirely filled by it. To see one of these facts without the other is to form an incomplete and inaccurate idea of the subject. Sometimes the courts of law were allowed to enact regulations on matters of public administration, which was manifestly beyond their jurisdiction; sometimes they were restrained from judging regular suits, which was to exclude them from the exercise of their proper functions. The modern law of France has undoubtedly removed the administration of justice from those political institutions into which it had very improperly been allowed to penetrate before the Revolution; but at the same time, as has just been shown, the Government continually invaded the

proper sphere of the judicial authorities, and this state of things is unchanged, as if the confusion of these powers were not equally dangerous on the one side as on the other, and even worse in the latter mode; for the intervention of a judicial authority in administrative business is only injurious to the transaction of affairs; but the intervention of administrative power in judicial proceedings depraves mankind, and tends to render men at once revolutionary and servile.

Amongst the nine or ten constitutions which have been established in perpetuity in France within the last sixty years, there is one in which it was expressly provided that no agent of the administration can be prosecuted before the ordinary courts of law without having previously obtained the assent of the Government to such a prosecution.²⁸ This clause appeared to be so well devised that when the constitution to which it belonged was destroyed, this provision was saved from the wreck, and it has ever since been carefully preserved from the injuries of revolutions. The administrative body still calls the privilege secured to them by this article one of the great conquests of 1789; but in this they are mistaken, for under the old monarchy the Government was not less solicitous than it is in our own times to spare its officers the unpleasantness of rendering an account in a court of law, like any other private citizens. The only essential

²⁸ [The article referred to is the 75th article of the Constitution de l'An VIII., which provided that the agents of the executive government, other than the ministers, could only be prosecuted for their conduct in the discharge of their functions, in virtue of a decision of the Council of State.]

difference between the two periods is this: before the Revolution the Government could only shelter its agents by having recourse to illegal and arbitrary measures; since the Revolution it can legally allow them to violate the laws.

When the ordinary tribunals of the old monarchy allowed proceedings to be instituted against any officer representing the central authority of the Government, an Order in Council usually intervened to withdraw the accused person from the jurisdiction of his judges, and to arraign him before commissioners named by the Council; for, as was said by a councillor of state of that time, a public officer thus attacked would have had to encounter an adverse prepossession in the minds of the ordinary judges, and the authority of the King would have been compromised. This sort of interference occurred not only at long intervals, but every day—not only with reference to the chief agents of the Government, but to the least. The slightest thread of a connection with the administration sufficed to relieve an officer from all other control. A mounted overseer of the Board of Public Works, whose business was to direct the forced labour of the peasantry, was prosecuted by a peasant whom he had ill-treated. The Council *evoked* the cause, and the chief engineer of the district, writing confidentially to the Intendant, said on this subject: ‘It is quite true that the overseer is greatly to blame, but that is not a reason for allowing the case to follow the ordinary jurisdiction; for it is of the utmost importance to the Board of Works that the courts of common law should not hear or decide on the

complaints of the peasants engaged in forced labour against the overseers of these works. If this precedent were followed, those works would be disturbed by continual litigation, arising out of the animosity of the public against the officers of the Government.'

On another occasion the Intendant himself wrote to the Comptroller-General with reference to a Government contractor, who had taken his materials in a field which did not belong to him. 'I cannot sufficiently represent to you how injurious it would be to the interests of the Administration if the contractors were abandoned to the jurisdiction of the ordinary courts, whose principles can never be reconciled to those of the Government.'

These lines were written precisely a hundred years ago, but it appears as if the administrators who wrote them were our own contemporaries.

CHAPTER V

SHOWING HOW CENTRALISATION HAD BEEN ABLE TO INTRODUCE ITSELF AMONG THE ANCIENT INSTITUTIONS OF FRANCE, AND TO SUPPLANT WITHOUT DESTROYING THEM

Let us now briefly recapitulate what has been said in the three preceding chapters. A single body or institution placed in the centre of the kingdom regulated the public administration of the whole country; the same Minister directed almost all the internal affairs of the kingdom; in each province a single Government agent managed all the details; no secondary administrative bodies existed, and none which could act until they had been set in motion by the authority of the State; courts of extraordinary jurisdiction judged the causes in which the administration was interested, and sheltered all its agents. What is this but the centralisation with which we are so well acquainted? Its forms were less marked than they are at present; its course was less regular, its existence more disturbed; but it is the same being. It has not been necessary to add or to withdraw any essential condition; the removal of all that once surrounded it at once exposed it in the shape that now meets our eyes.

Most of the institutions which I have just described have been imitated subsequently, and in a hundred different places;²⁹ but they were at that time peculiar to France; and we shall shortly see how great was the influence they had on the French Revolution and on its results.

But how came these institutions of modern date to be established in France amidst the ruins of feudal society?

It was a work of patience, of address, and of time, rather than of force or of absolute power. At the time when the Revolution occurred, scarcely any part of the old administrative edifice of France had been destroyed; but another structure had been, as it were, called into existence beneath it.

There is nothing to show that the Government of the old French monarchy followed any deliberately concerted plan to effect this difficult operation. That Government merely obeyed the instinct which leads all governments to aim at the exclusive management of affairs—an instinct which ever remained the same in spite of the diversity of its agents. The monarchy had left to the ancient powers of France their venerable names and their honours, but it had gradually subtracted from them their authority. They had not been expelled but enticed out of their domains. By the indolence of one man, by the egotism of another, the Government had found means to occupy their places. Availing itself of all their vices, never attempting to correct but only to supersede them, the Government at last found

²⁹ See Note XXIV., Traces in Canada of Centralisation of the old French Monarchy.

means to substitute for almost all of them its own sole agent, the Intendant, whose very name was unknown when those powers which he supplanted came into being.

The judicial institutions had alone impeded the Government in this great enterprise; but even there the State had seized the substance of power, leaving only the shadow of it to its adversaries. The Parliaments of France had not been excluded from the sphere of the administration, but the Government had extended itself gradually in that direction so as to appropriate almost the whole of it. In certain extraordinary and transient emergencies, in times of scarcity, for instance, when the passions of the people lent a support to the ambition of the magistrates, the Central Government allowed the Parliaments to administer for a brief interval, and to leave a trace upon the page of history; but the Government soon silently resumed its place, and gently extended its grasp over every class of men and of affairs.

In the struggles between the French Parliaments and the authority of the Crown, it will be seen on attentive observation that these encounters almost always took place on the field of politics, properly so called, rather than on that of administration. These quarrels generally arose from the introduction of a new tax; that is to say, it was not administrative power which these rival authorities disputed, but legislative power to which the one had as little rightful claim as the other.

This became more and more the case as the Revolution approached. As the passions of the people began to take fire, the

Parliaments assumed a more active part in politics; and as at the same time the central power and its agents were becoming more expert and more adroit, the Parliaments took a less active part in the administration of the country. They acquired every day less of the administrator and more of the tribune.

The course of events, moreover, incessantly opens new fields of action to the executive Government, where judicial bodies have no aptitude to follow; for these are new transactions not governed by precedent, and alien to judicial routine. The great progress of society continually gives birth to new wants, and each of these wants is a fresh source of power to the Government, which is alone able to satisfy them. Whilst the sphere of the administration of justice by the courts of law remains unaltered, that of the executive Government is variable and constantly expands with civilisation itself.³⁰

The Revolution which was approaching, and which had already begun to agitate the mind of the whole French people, suggested to them a multitude of new ideas, which the central power of the Government could alone realise. The Revolution developed that power before it overthrew it, and the agents of the Government underwent the same process of improvement as everything else. This fact becomes singularly apparent from the study of the old administrative archives. The Comptroller-General and the Intendant of 1780 no longer resemble the Comptroller-General and the Intendant of 1740;

³⁰ See Note XXV., Example of the Intervention of the Council.

the administration was already transformed, the agents were the same, but they were impelled by a different spirit. In proportion as it became more minute and more comprehensive, it also became more regular and more scientific. It became more temperate as its ascendancy became universal; it oppressed less, it directed more.

The first outbreak of the Revolution destroyed this grand institution of the monarchy; but it was restored in 1800. It was not, as has so often been said, the principles of 1789 which triumphed at that time and ever since in the public administration of France, but, on the contrary, the principles of the administration anterior to the Revolution, which then resumed their authority and have since retained it.

If I am asked how this fragment of the state of society anterior to the Revolution could thus be transplanted in its entirety, and incorporated into the new state of society which had sprung up, I answer that if the principle of centralisation did not perish in the Revolution, it was because that principle was itself the precursor and the commencement of the Revolution; and I add that when a people has destroyed Aristocracy in its social constitution, that people is sliding by its own weight into centralisation. Much less exertion is then required to drive it down that declivity than to hold it back. Amongst such a people all powers tend naturally to unity, and it is only by great ingenuity that they can still be kept separate. The democratic Revolution which destroyed so many of the institutions of the French monarchy,

served therefore to consolidate the centralised administration, and centralisation seemed so naturally to find its place in the society which the Revolution had formed that it might easily be taken for its offspring.

CHAPTER VI

THE ADMINISTRATIVE HABITS OF FRANCE BEFORE THE REVOLUTION

It is impossible to read the letters addressed by an Intendant of one of the provinces of France, under the old monarchy, to his superiors and his subordinates, without admiring the similitude engendered by similar institutions between the administrators of those times and the administrators of our own. They seem to join hands across the abyss of the Revolution which lies between them. The same may be said of the people they govern. The power of legislation over the minds of men was never more distinctly visible.

The Ministers of the Crown had already conceived the design of taking actual cognisance of every detail of business and of regulating everything by their own authority from Paris. As time advanced and the administration became more perfect, this passion increased. Towards the end of the eighteenth century not a charitable workshop could be established in a distant province of France until the Comptroller-General himself had fixed the cost, drawn up the scheme, and chosen the site. If a poor-house was to be built the Minister must be informed of the names of the beggars who frequent it—when they arrive—when they

depart. As early as the middle of the same century (in 1733) M. d'Argenson wrote—'The details of business thrown upon the Ministers are immense. Nothing is done without them, nothing except by them, and if their information is not as extensive as their powers, they are obliged to leave everything to be done by clerks, who become in reality the masters.'

The Comptroller-General not only called for reports on matters of business, but even for minute particulars relating to individuals. To procure these particulars the Intendant applied in his turn to his Sub-delegates, and of course repeated precisely what they told him, just as if he had himself been thoroughly acquainted with the subject.

In order to direct everything from Paris and to know everything there, it was necessary to invent a thousand checks and means of control. The mass of paper documents was already enormous, and such was the tedious slowness of these administrative proceedings, that I have remarked it always took at least a year before a parish could obtain leave to repair a steeple or to rebuild a parsonage: more frequently two or three years elapsed before the demand was granted.

The Council itself remarked in one of its minutes (March 29, 1773) that 'the administrative formalities lead to infinite delays, and too frequently excite very well-grounded complaints; these formalities are, however, all necessary,' added the Council.

I used to believe that the taste for statistics belonged exclusively to the administrators of the present day, but I was

mistaken. At the time immediately preceding the Revolution of 1789 small printed tables were frequently sent to the Intendant, which he merely had to get filled up by his Sub-delegates and by the Syndics of parishes. The Comptroller-General required reports upon the nature of the soil, the methods of cultivation, the quality and quantity of the produce, the number of cattle, and the occupations and manners of the inhabitants. The information thus obtained was neither less circumstantial nor more accurate than that afforded under similar circumstances by Sub-prefects and Mayors at the present day. The opinions recorded on these occasions by the Sub-delegates, as to the character of those under their authority, were for the most part far from favourable. They continually repeated that 'the peasants are naturally lazy, and would not work unless forced to do so in order to live.' This economical doctrine seemed very prevalent amongst this class of administrators.

Even the official language of the two periods is strikingly alike. In both the style is equally colourless, flowing, vague, and feeble; the peculiar characteristics of each individual writer are effaced and lost in a general mediocrity. It is much the same thing to read the effusions of a modern Prefect or of an ancient Intendant.

Towards the end of a century, however, when the peculiar language of Diderot and Rousseau had had time to spread and mingle with the vulgar tongue, the false sensibility, with which the works of those writers are filled, infected the administrators

and reached even the financiers. The official style, usually so dry in its texture, was become more unctuous and even tender. A Sub-delegate laments to the Intendant of Paris 'that in the exercise of his functions he often feels grief most poignant to a feeling heart.'

Then, as at the present time, the Government distributed certain charitable donations among the various parishes, on condition that the inhabitants should on their part give certain alms. When the sum thus offered by them was sufficient, the Comptroller-General wrote on the margin of the list of contributions, 'Good; express satisfaction;' but if the sum was considerable, he wrote, 'Good; express satisfaction and sensibility.'

The administrative functionaries, nearly all belonging to the middle ranks, already formed a class imbued with a spirit peculiar to itself, and possessing traditions, virtues, an honour and a pride of its own. This was, in fact, the aristocracy of the new order of society, completely formed and ready to start into life; it only waited until the Revolution had made room for it.

The administration of France was already characterised by the violent hatred which it entertained indiscriminately towards all those not within its own pale, whether belonging to the nobility or to the middle classes, who attempted to take any part in public affairs. The smallest independent body, which seemed likely to be formed without its intervention, caused alarm; the smallest voluntary association, whatever was its object, was considered

troublesome; and none were suffered to exist but those which it composed in an arbitrary manner, and over which it presided. Even the great industrial companies found little favour in the eyes of the administration; in a word, it did not choose that the citizens should take any concern whatever in the examination of their own affairs, and preferred sterility to competition. But, as it has always been necessary to allow the French people the indulgence of a little licence to console them for their servitude, the Government suffered them to discuss with great freedom all sorts of general and abstract theories of religion, philosophy, morals, and even politics. It was ready enough to allow the fundamental principles upon which society then rested to be attacked, and the existence of God himself to be discussed, provided no comments were made upon the very least of its own agents. Such speculations were supposed to be altogether irrelevant to the State.

Although the newspapers of the eighteenth century, or as they were then called the gazettes, contained more epigrams than polemics, the administration looked upon this small power with a very jealous eye. It was indulgent enough towards books, but already extremely harsh towards newspapers; so, being unable altogether to suppress them, it endeavoured to turn them to its own purposes. Under the date of 1761 I find a circular addressed to all the Intendants throughout the kingdom, announcing that the King (Louis XV.) had directed that in future the 'Gazette de France' should be drawn up under the inspection of the

Government; 'his Majesty being desirous,' says the circular, 'to render that journal interesting, and to ensure to it a superiority over all others. In consequence whereof,' adds the Minister, 'you will take care to send me a bulletin of everything that happens in your district likely to engage the curiosity of the public, more especially whatever relates to physical science, natural history, or remarkable and interesting occurrences.' This circular is accompanied by a prospectus setting forth that the new Gazette, though appearing oftener and containing more matter than the journal which it supersedes, will cost the subscribers much less.

Furnished with these documents, the Intendant wrote to his Sub-delegates and set them to work; but at first they replied that they knew nothing. This called forth a second letter from the Minister, complaining bitterly of the sterility of the province as to news. 'His Majesty commands me to tell you that it is his intention that you should pay very serious attention to this matter, and that you should give the most precise order to your agents.' Hereupon the Sub-delegates undertake the task. One of them reported that a smuggler of salt had been hung, and had displayed great courage; another that a woman in his district had been delivered of three girls at a birth; a third that a dreadful storm had occurred, though without doing any mischief. One of them declared that in spite of all his efforts he had been unable to discover anything worth recording, but that he would subscribe himself to so useful a journal, and would exhort all respectable

persons to follow his example. All these efforts seem, however, to have produced but little effect, for a fresh letter informs us that ‘the King, who has the goodness,’ as the Minister says, ‘himself to enter into the whole detail of the measures for perfecting the Gazette, and who wishes to give to this journal the superiority and celebrity it deserves, has testified much dissatisfaction on seeing his views so ill carried out.’

History is a picture gallery, containing few originals and a great many copies.

It must be admitted, however, that in France the Central Government never imitated those Governments of the South of Europe which seem to have taken possession of everything only in order to render everything barren. The French Government frequently showed great intelligence as to its functions, and always displayed prodigious activity. But its activity was often unproductive and even mischievous, because at times it endeavoured to do that which was beyond its power, or that which no one could control.

It rarely attempted, or quickly abandoned, the most necessary reforms, which could only be carried out by persevering energy; but it constantly changed its by-laws and its regulations. Within the sphere of its presence nothing remained in repose for a moment. New regulations succeeded each other with such extraordinary rapidity that the agents of Government, amidst the multiplicity of commands they received, often found it difficult to discover how to obey them. Some municipal officers

complained to the Comptroller-General himself of the extreme mobility of this subordinate legislation. 'The variation of the financial regulations alone,' said they, 'is such, that a municipal officer, even were his appointment permanent, has no time for anything but studying the new rules as fast as they come out, even to the extent of being forced to neglect his own business.'

Even when the law itself was not altered its application varied every day. Without seeing the working of the administration under the old French Government in the secret documents which are still in existence, it is impossible to imagine the contempt into which the law eventually falls, even in the eyes of those charged with the application of it, when there are no longer either political assemblies or public journals to check the capricious activity, or to set bounds to the arbitrary and changeable humour of the Ministers and their offices.

We hardly find a single Order in Council that does not recite some anterior laws, often of very recent date, which had been enacted but never executed. There was not an edict, a royal declaration, or any solemnly registered letters-patent, that did not encounter a thousand impediments in its application. The letters of the Comptrollers-General and the Intendants show that the Government constantly permitted things to be done, by exception, at variance with its own orders. It rarely broke the law, but the law was perpetually made to bend slightly in all directions to meet particular cases, and to facilitate the conduct of affairs.

An Intendant writes to the minister with reference to a duty

of *octroi* from which a contractor of public works wanted to be exempted: 'It is certain that according to the strict letter of the edicts and decrees which I have just quoted, no person throughout the kingdom is exempted from these duties; but those who are versed in the knowledge of affairs are well aware that these imperative enactments stand on the same footing as to the penalties which they impose, and that although they are to be found in almost every edict, declaration, and decree for the imposition of taxes, they have never prevented exceptions from being made.'

The whole essence of the then state of France is contained in this passage: rigid rules and lax practice were its characteristics.

Any one who should attempt to judge the Government of that period by the collection of its laws would fall into the most absurd mistakes. Under the date 1757 I have found a royal declaration condemning to death any one who shall compose or print writings contrary to religion or established order. The bookseller who sells and the pedlar who hawks them are to suffer the same punishment. Was this in the age of St. Dominic? It was under the supremacy of Voltaire.

It is a common subject of complaint against the French that they despise law; but when, alas! could they have learned to respect it? It may be truly said that amongst the men of the period I am describing, the place which should be filled in the human mind by the notion of *law* was empty. Every petitioner entreated that the established order of things should be set aside

in his favour with as much vehemence and authority as if he were demanding that it should be properly enforced; and indeed its authority was never alleged against him but as a means of getting rid of his importunity. The submission of the people to the existing powers was still complete, but their obedience was the effect of custom rather than of will, and when by chance they were stirred up, the slightest excitement led at once to violence, which again was almost always repressed by counter-violence and arbitrary power, not by the law.

In the eighteenth century the central authority in France had not yet acquired that sound and vigorous constitution which it has since exhibited; nevertheless, as it had already succeeded in destroying all intermediate authorities, and had left only a vast blank between itself and the individuals constituting the nation, it already appeared to each of them from a distance as the only spring of the social machine, the sole and indispensable agent of public life.

Nothing shows this more fully than the writings even of its detractors. When the long period of uneasiness which preceded the Revolution began to be felt, all sorts of new systems of society and government were concocted. The ends which these various reformers had in view were various, but the means they proposed were always the same. They wanted to employ the power of the central authority in order to destroy all existing institutions, and to reconstruct them according to some new plan of their own device; no other power appeared to them capable

of accomplishing such a task. The power of the State ought, they said, to be as unlimited as its rights; all that was required was to force it to make a proper use of both. The elder Mirabeau, a nobleman so imbued with the notion of the rights of his order that he openly called the Intendants 'intruders,' and declared that if the appointment of the magistrates was left altogether in the hands of the Government, the courts of justice would soon be mere 'bands of commissioners,'—Mirabeau himself looked only to the action of the central authority to realise his visionary schemes.

These ideas were not confined to books; they found entrance into men's minds, modified their customs, affected their habits, and penetrated throughout society, even into every-day life.

No one imagined that any important affair could be properly carried out without the intervention of the State. Even the agriculturists—a class usually refractory to precept—were disposed to think that if agriculture did not improve, it was the fault of the Government, which did not give them sufficient advice and assistance. One of them writes to an Intendant in a tone of irritation which foreshadows the coming Revolution. 'Why does not the Government appoint inspectors to go once a year into the provinces to examine the state of cultivation, to instruct the cultivators how to improve it—to tell them what to do with their cattle, how to fatten, rear, and sell them, and where to take them to market? These inspectors should be well paid; and the farmers who exhibited proofs of the best system of husbandry

should receive some mark of honour.’

Agricultural inspectors and crosses of honour! Such means of encouraging agriculture never would have entered into the head of a Suffolk farmer.

In the eyes of the majority of the French the Government was alone able to ensure public order; the people were afraid of nothing but the patrols, and men of property had no confidence in anything else. Both classes regarded the gendarme on his rounds not merely as the chief defender of order, but as order itself. ‘No one,’ says the provincial assembly of Guyenne, ‘can fail to observe that the sight of a patrol is well calculated to restrain those most hostile to all subordination.’ Accordingly every one wanted to have a squadron of them at his own door. The archives of an intendancy are full of requests of this nature; no one seemed to suspect that under the guise of a protector a master might be concealed.³¹

Nothing struck the émigrés so much on their arrival in England as the absence of this military force. It filled them with surprise, and often even with contempt, for the English. One of them, a man of ability, but whose education had not prepared him for what he was to see, wrote as follows:—‘It is perfectly true that an Englishman congratulates himself on having been robbed, on the score that at any rate there is no patrol in his country. A man may lament anything that disturbs public tranquillity, but he will nevertheless comfort himself, when he sees the turbulent

³¹ See Note XXVI., Additional Patrols.

restored to society, with the reflection that the letter of the law is stronger than all other considerations. Such false notions, however,' he adds, 'are not absolutely universal; there are some wise people who think otherwise, and wisdom must prevail in the end.'

But that these eccentricities of the English could have any connection with their liberties never entered into the mind of this observer. He chose rather to explain the phenomenon by more scientific reasons. 'In a country,' said he, 'where the moisture of the climate, and the want of elasticity in the air, give a sombre tinge to the temperament, the people are disposed to give themselves up to serious objects. The English people are naturally inclined to occupy themselves with the affairs of government, to which the French are averse.'

The French Government having thus assumed the place of Providence, it was natural that every one should invoke its aid in his individual necessities. Accordingly we find an immense number of petitions which, while affecting to relate to the public interest, really concern only small individual interests.³² The boxes containing them are perhaps the only place in which all the classes composing that society of France, which has long ceased to exist, are still mingled. It is a melancholy task to read them: we find peasants praying to be indemnified for the loss of their cattle or their horses; wealthy landowners asking for assistance in rendering their estates more productive; manufacturers soliciting

³² See Note XXVII., Bureaux de Tabac.

from the Intendant privileges by which they may be protected from a troublesome competition, and very frequently confiding the embarrassed state of their affairs to him, and begging him to obtain for them relief or a loan from the Comptroller-General. It appears that some fund was set apart for this purpose.

Even the nobles were often very importunate solicitants; the only mark of their condition is the lofty tone in which they begged. The tax of twentieths was to many of them the principal link in the chain of their dependence.³³ Their quota of this tax was fixed every year by the Council upon the report of the Intendant, and to him they addressed themselves in order to obtain delays and remissions. I have read a host of petitions of this nature made by nobles, nearly all men of title, and often of very high rank, in consideration, as they stated, of the insufficiency of their revenues, or the disordered state of their affairs. The nobles usually addressed the Intendant as 'Monsieur;' but I have observed that, under these circumstances, they invariably called him 'Monseigneur,' as was usually done by men of the middle class. Sometimes pride and poverty were drolly mixed in these petitions. One of the nobles wrote to the Intendant: 'Your feeling heart will never consent to see the father of a family of my rank strictly taxed by twentieths like a father of the lower classes.' At the periods of scarcity, which were so frequent during the eighteenth century, the whole population of each district looked to the Intendant, and appeared to expect to

³³ Burke's speech on the Army estimates, 1790.

be fed by him alone. It is true that every man already blamed the Government for all his sufferings. The most inevitable privations were ascribed to it, and even the inclemency of the seasons was made a subject of reproach to it.

We need not be astonished at the marvellous facility with which centralisation was re-established in France at the beginning of this century.³⁴ The men of 1789 had overthrown the edifice, but its foundations remained deep in the very minds of the destroyers, and on these foundations it was easy to build it up anew, and to make it more stable than it had ever been before.

³⁴ See Note XXVIII., Extinction of Loyal Activity.

CHAPTER VII

OF ALL EUROPEAN NATIONS FRANCE WAS ALREADY THAT IN WHICH THE METROPOLIS HAD ACQUIRED THE GREATEST PREPONDERANCE OVER THE PROVINCES, AND HAD MOST COMPLETELY ABSORBED THE WHOLE EMPIRE

The political preponderance of capital cities over the rest of the empire is caused neither by their situation, their size, nor their wealth, but by the nature of the government. London, which contains the population of a kingdom, has never hitherto exercised a sovereign influence over the destinies of Great Britain. No citizen of the United States ever imagined that the inhabitants of New York could decide the fate of the American Union. Nay more, no one even in the State of New York conceives that the will of that city alone could direct the affairs of the nation. Yet New York at this moment numbers as many inhabitants as Paris contained when the Revolution broke out.

At the time of the wars of religion in France Paris was thickly peopled in proportion to the rest of the kingdom as in 1789. Nevertheless, at that time it had no decisive power. At the time of

the Fronde Paris was still no more than the largest city in France. In 1789 it was already France itself.

As early as 1740 Montesquieu wrote to one of his friends, 'Nothing is left in France but Paris and the distant provinces, because Paris has not yet had time to devour them.' In 1750 the Marquis de Mirabeau, a fanciful but sometimes deep thinker, said, in speaking of Paris without naming it: 'Capital cities are necessary; but if the head grows too large, the body becomes apoplectic and the whole perishes. What then will be the result, if by giving over the provinces to a sort of direct dependence, and considering their inhabitants only as subjects of the Crown of an inferior order, to whom no means of consideration are left and no career for ambition is open, every man possessing any talent is drawn towards the capital!' He called this a kind of silent revolution which must deprive the provinces of all their men of rank, business, and talent.

The reader who has followed the preceding chapters attentively already knows the causes of this phenomenon; it would be a needless tax on his patience to enumerate them afresh in this place.

This revolution did not altogether escape the attention of the Government, but chiefly by its physical effect on the growth of the city. The Government saw the daily extension of Paris and was afraid that it would become difficult to administer so large a city properly. A great number of ordinances issued by the Kings of France, chiefly during the seventeenth and eighteenth

centuries, were destined to put a stop to the growth of the capital. These sovereigns were concentrating the whole public life of France more and more in Paris or at its gates, and yet they wanted Paris to remain a small city. The erection of new houses was forbidden, or else commands were issued that they should be built in the most costly manner and in unattractive situations which were fixed upon beforehand. Every one of these ordinances, it is true, declares, that in spite of all preceding edicts Paris had continued to spread. Six times during the course of his reign did Louis XIV., in the height of his power, in vain attempt to check the increase of Paris; the city grew continually in spite of all edicts. Its political and social preponderance increased even faster than its walls, not so much owing to what took place within them as to the events passing without.

During this period all local liberties gradually became extinct, the symptoms of independent vitality disappeared. The distinctive features of the various provinces became confused, and the last traces of the ancient public life were effaced. Not that the nation was falling into a state of languor; on the contrary, activity everywhere prevailed; but the motive principle was no longer anywhere but in Paris. I will cite but one example of this from amongst a thousand. In the reports made to the Minister on the condition of the bookselling trade, I find that in the sixteenth century and at the beginning of the seventeenth, many considerable printing offices existed in provincial towns which are now without printers, or where the printers are without work.

Yet there can be no doubt that many more literary productions of all kinds were published at the end of the eighteenth century than during the sixteenth; but all mental activity now emanated from the centre alone; Paris had totally absorbed the provinces. At the time when the French Revolution broke out, this first revolution was fully accomplished.

The celebrated traveller Arthur Young left Paris soon after the meeting of the States-General, and a few days before the taking of the Bastille; the contrast between that which he had just seen in the city and that which he found beyond its walls filled him with surprise. In Paris all was noise and activity; every hour produced a fresh political pamphlet; as many as ninety-two were published in a week. 'Never,' said he, 'did I see such activity in publishing, even in London.' Out of Paris all seemed inert and silent; few pamphlets and no newspapers were printed. Nevertheless, the provinces were agitated and ready for action, but motionless; if the inhabitants assembled from time to time, it was in order to hear the news which they expected from Paris. In every town Young asked the inhabitants what they intended to do? 'The answer,' he says, 'was always the same: "Ours is but a provincial town; we must wait to see what will be done at Paris."' These people,' he adds, 'do not even venture to have an opinion until they know what is thought at Paris.'

Nothing was more astonishing than the extraordinary ease with which the Constituent Assembly destroyed at a single stroke all the ancient French provinces, many of which were older than

the monarchy, and then divided the kingdom methodically into eighty-three distinct portions, as though it had been the virgin soil of the New World. Europe was surprised and alarmed by a spectacle for which it was so little prepared. 'This is the first time,' said Burke, 'that we have seen men tear their native land in pieces in so barbarous a manner.' No doubt it appeared like tearing in pieces living bodies, but, in fact, the provinces that were thus dismembered were only corpses.

While Paris was thus finally establishing its supremacy externally, a change took place within its own walls equally deserving the notice of history. After having been a city merely of exchange, of business, of consumption, and of pleasure, Paris had now become a manufacturing town; a second fact, which gave to the first a new and more formidable character.

The origin of this change was very remote; it appears that even during the Middle Ages Paris was already the most industrious as well as the largest city of the kingdom. This becomes more manifest as we approach modern times. In the same degree that the business of administration was brought to Paris, industrial affairs found their way thither. As Paris became more and more the arbiter of taste, the sole centre of power and of the arts, and the chief focus of national activity, the industrial life of the nation withdrew and concentrated itself there in the same proportion.

Although the statistical documents anterior to the Revolution are, for the most part, deserving of little confidence, I think it may safely be affirmed that, during the sixty years which

preceded the French Revolution, the number of artisans in Paris was more than doubled; whereas during the same period the general population of the city scarcely increased one third.

Independently of the general causes which I have stated, there were other very peculiar causes which attracted working men to Paris from all parts of France, and agglomerated them by degrees in particular quarters of the town, which they ended by occupying almost exclusively. The restrictions imposed upon manufactures by the fiscal legislation of the time were lighter at Paris than anywhere else in France; it was nowhere so easy to escape from the tyranny of the guilds. Certain faubourgs, such as the Faubourg St. Antoine, and of the Temple specially, enjoyed great privileges of this nature. Louis XVI. considerably enlarged these immunities of the Faubourg St. Antoine, and did his best to gather together an immense working population in that spot, 'being desirous,' said that unfortunate monarch, in one of his edicts, 'to bestow upon the artisans of the Faubourg St. Antoine a further mark of our protection, and to relieve them from the restrictions which are injurious to their interests as well as to the freedom of trade.'

The number of workshops, manufactories, and foundries had increased so greatly in Paris, towards the approach of the Revolution, that the Government at length became alarmed at it. The sight of this progress inspired it with many imaginary terrors. Amongst other things, we find an Order in Council, in 1782, stating that 'the King, apprehending that the rapid increase

of manufactures would cause a consumption of wood likely to become prejudicial to the supply of the city, prohibits for the future the creation of any establishment of this nature within a circuit of fifteen leagues round Paris.' The real danger likely to arise from such an agglomeration gave no uneasiness to any one.

Thus then Paris had become the mistress of France, and the popular army which was destined to make itself master of Paris was already assembling.

It is pretty generally admitted, I believe, now, that administrative centralisation and the omnipotence of Paris have had a great share in the overthrow of all the various governments which have succeeded one another during the last forty years. It will not be difficult to show that the same state of things contributed largely to the sudden and violent ruin of the old monarchy, and must be numbered among the principal causes of that first Revolution which has produced all the succeeding ones.

CHAPTER VIII

FRANCE WAS THE COUNTRY IN WHICH MEN HAD BECOME THE MOST ALIKE

If we carefully examine the state of society in France before the Revolution we may see it under two very contrary aspects. It would seem that the men of that time, especially those belonging to the middle and upper ranks of society, who alone were at all conspicuous, were all exactly alike. Nevertheless we find that this monotonous crowd was divided into many different parts by a prodigious number of small barriers, and that each of these small divisions formed a distinct society, exclusively occupied with its own peculiar interests, and taking no share in the life of the community at large.

When we consider this almost infinitesimal division, we shall perceive that the citizens of no other nation were so ill prepared to act in common, or to afford each other a mutual support during a crisis; and that a society thus constituted might be utterly demolished in a moment by a great revolution. Imagine all those small barriers thrown down by an earthquake, and the result is at once a social body more compact and more homogeneous than any perhaps that the world had ever seen.

I have shown that throughout nearly the whole kingdom the

independent life of the provinces had long been extinct; this had powerfully contributed to render all Frenchmen very much alike. Through the diversities which still subsisted the unity of the nation might already be discerned; uniformity of legislation brought it to light. As the eighteenth century advanced there was a great increase in the number of edicts, royal declarations, and Orders in Council, applying the same regulations in the same manner in every part of the empire. It was not the governing body alone but the mass of those governed, who conceived the idea of a legislation so general and so uniform, the same everywhere and for all: this idea was apparent in all the plans of reform which succeeded each other for thirty years before the outbreak of the Revolution. Two centuries earlier the very materials for such conceptions, if we may use such a phrase, would have been wanting.

Not only did the provinces become more and more alike, but in each province men of various classes, those at least who were placed above the common people, grew to resemble each other more and more, in spite of differences of rank. Nothing displays this more clearly than the perusal of the instructions to the several Orders of the States-General of 1789. The interests of those who drew them up were widely different, but in all else they were identical. In the proceedings of the earlier States-General the state of things was totally different; the middle classes and the nobility had then more common interests, more business in common; they displayed far less reciprocal

animosity; yet they appeared to belong to two distinct races. Time, which had perpetuated, and, in many respects, aggravated the privileges interposed between two classes of men, had powerfully contributed to render them alike in all other respects. For several centuries the French nobility had grown gradually poorer and poorer. 'Spite of its privileges the nobility is ruined and wasted day by day, and the middle classes get possession of the large fortunes,' wrote a nobleman in a melancholy strain in 1755. Yet the laws by which the estates of the nobility were protected still remained the same, nothing appeared to be changed in their economical condition. Nevertheless, the more they lost their power the poorer they everywhere became, in exactly the same proportion.

It would seem as if, in all human institutions as in man himself, there exists, independently of the organs which manifestly fulfil the various functions of existence, some central and invisible force which is the very principle of life. In vain do the organs appear to act as before; when this vivifying flame is extinct the whole structure languishes and dies. The French nobility still had entails (indeed Burke remarked, that in his time entails were more frequent and more strict in France than in England), the right of primogeniture, territorial and perpetual dues, and whatever was called a beneficial interest in land. They had been relieved from the heavy obligation of carrying on war at their own charge, and at the same time had retained an increased exemption from taxation; that is to say,

they kept the compensation and got rid of the burden. Moreover, they enjoyed several other pecuniary advantages which their forefathers had never possessed; nevertheless they gradually became impoverished in the same degree that they lost the exercise and the spirit of government. Indeed it is to this gradual impoverishment that the vast subdivision of landed property, which we have already remarked, must be partly attributed. The nobles had sold their lands piecemeal to the peasants, reserving to themselves only the seignorial rights which gave them the appearance rather than the reality of their former position. Several provinces of France, like the Limousin mentioned by Turgot, were filled with a small poor nobility, owning hardly any land, and living only on seignorial rights and rent-charges on their former estates.³⁵

‘In this district,’ says an Intendant at the beginning of the century, ‘the number of noble families still amounts to several thousands, but there are not fifteen amongst them who have twenty thousand livres a year.’ I find in some minutes addressed by another Intendant (of Franche-Comté) to his successor, in 1750, ‘the nobility of this part of the country is pretty good but extremely poor, and as proud as it is poor. It is greatly humbled compared to what it used to be. It is not bad policy to keep the nobles in this state of poverty in order to compel them to serve, and to stand in need of our assistance. They form,’ he adds, ‘a confraternity, into which those only are

³⁵ See Note XXIX., Seignorial Dues in different Provinces of France.

admitted who can prove four quarterings. This confraternity is not patented but only allowed; it meets only once a year, and in the presence of the Intendant. After dining and hearing mass together, these noblemen return, every man to his home, some on their rosinantes and the rest on foot. You will see what a comical assemblage it is.'

This gradual impoverishment of the nobility was more or less apparent, not only in France, but in all parts of the Continent, in which, as in France, the feudal system was finally dying out without being replaced by a new form of aristocracy. This decay was especially manifest and excited great attention amongst the German States on the banks of the Rhine. In England alone the contrary was the case. There the ancient noble families which still existed had not only kept, but greatly increased their fortunes; they were still first in riches as in power. The new families which had risen beside them had only copied but had not surpassed their wealth.

In France the non-noble classes alone seemed to inherit all the wealth which the nobility had lost; they fattened, as it were, upon its substance. Yet there were no laws to prevent the middle class from ruining themselves, or to assist them in acquiring riches; nevertheless they incessantly increased their wealth; in many instances they had become as rich as, and often richer than the nobles. Nay, more, their wealth was of the same kind, for, though dwelling in the town, they were often landowners in the country, and sometimes they even bought seignorial estates.

Education and habits of life had already created a thousand other points of resemblance between these two classes of men. The middle class man was as enlightened as the noble, and it deserves to be remarked, his acquirements were derived from the very same source. The same light shone upon both. Their education had been equally theoretical and literary. Paris, which became more and more the sole preceptor of France, had ended by giving to all minds one common form and action.

At the end of the eighteenth century no doubt some difference was still perceptible between the manners of the nobility and those of the middle class, for nothing assimilates more slowly than that surface of society which we call manners; at bottom, however, all men above the rank of the common people were alike; they had the same ideas, the same habits, the same tastes; they indulged in the same pleasures, read the same books, and spoke the same language. The only difference left between them was in their rights.

I much doubt whether this was the case in the same degree anywhere else, even in England, where the different classes, though firmly united by common interests, still differed in their habits and feelings; for political liberty, which possesses the admirable power of placing the citizens of a State in compulsory intercourse and mutual dependence, does not on that account always make them similar; it is the government of one man which, in the end, has the inevitable effect of rendering all men alike, and all mutually indifferent to their common fate.

CHAPTER IX

SHOWING HOW MEN THUS SIMILAR WERE MORE DIVIDED THAN EVER INTO SMALL GROUPS, ESTRANGED FROM AND INDIFFERENT TO EACH OTHER

Let us now look at the other side of the picture, and we shall see that these same Frenchmen, who had so many points of resemblance amongst themselves, were, nevertheless, more completely isolated from each other than perhaps the inhabitants of any other country, or than had ever been the case before in France.

It seems extremely probable that, at the time of the first establishment of the feudal system in Europe, the class which was subsequently called the nobility did not at once form a *caste*, but was originally composed of the chief men of the nation, and was therefore, in the beginning, merely an aristocracy. This, however, is a question which I have no intention of discussing here; it will be sufficient to remark that, during the Middle Ages, the nobility had become a caste, that is to say, that its distinctive mark was birth.

It retained, indeed, one of the proper characteristics of an

aristocracy, that of being a governing body of citizens; but birth alone decided who should be at the head of this body. Whoever was not born noble was excluded from this close and particular class, and could only fill a position more or less exalted but still subordinate in the State.

Wherever on the continent of Europe the feudal system had been established it ended in caste; in England alone it returned to aristocracy.

It has always excited my surprise that a fact which distinguishes England from all other modern nations, and which alone can throw light upon the peculiarities of its laws, its spirit, and its history, has not attracted to a still greater degree the attention of philosophers and statesmen, and that habit has rendered it, as it were, imperceptible to the English themselves. It has frequently been seen by glimpses, and imperfectly described, but no complete and distinct view has, I believe, ever been taken of it. Montesquieu, it is true, on visiting Great Britain in 1739, wrote, 'I am now in a country which has little resemblance to the rest of Europe:' but that is all.

It was indeed, not so much its parliament, its liberty, its publicity, or its jury, which at that time rendered England so unlike the rest of Europe; it was something far more peculiar and far more powerful. England was the only country in which the system of caste had been not only modified, but effectually destroyed. The nobility and the middle classes in England followed the same business, embraced the same professions, and,

what is far more significant, intermarried with each other. The daughter of the greatest nobleman could already without disgrace marry a man of yesterday.

In order to ascertain whether caste, with the ideas, habits, and barriers it creates amongst a nation, is definitely destroyed, look at its marriages. They alone give the decisive feature which we seek. At this very day, in France, after sixty years of democracy, we shall generally seek it in vain. The old and the new families, between which no distinction any longer appears to exist, avoid as much as possible to intermingle with each other by marriage.

It has often been remarked that the English nobility has been more prudent, more able, and less exclusive than any other. It would have been much nearer the truth to say, that in England, for a very long time past, no nobility, properly so called, has existed, if we take the word in the ancient and limited sense it has everywhere else retained.

This singular revolution is lost in the night of ages, but a living witness of it yet survives in the idiom of language. For several centuries the word *gentleman* has altogether changed its meaning in England, and the word *roturier* has ceased to exist. It would have been impossible to translate literally into English the well-known line from the 'Tartuffe,' even when Molière wrote it in 1664:—

Et tel qu'on le voit, il est bon gentilhomme

If we make a further application of the science of languages to the science of history, and pursue the fate of the word *gentleman* through time and through space,—the offspring of the French word *gentilhomme*,—we shall find its application extending in England in the same proportion in which classes draw near one another and amalgamate. In each succeeding century it is applied to persons placed somewhat lower in the social scale. At length it travelled with the English to America, where it is used to designate every citizen indiscriminately. Its history is that of democracy itself.

In France the word *gentilhomme* has always been strictly limited to its original meaning; since the Revolution it has been almost disused, but its application has never changed. The word which was used to designate the members of the caste was kept intact, because the caste itself was maintained as separate from all the rest as it had ever been.

I go even further, and assert that this caste had become far more exclusive than it was when the word was first invented, and that in France a change had taken place in the direction opposed to that which had occurred in England.

Though the nobility and the middle class in France had become far more alike, they were at the same time more isolated from each other—two things which are so essentially distinct

that the former, instead of extenuating the latter, may frequently aggravate it.

During the Middle Ages, and whilst the feudal system was still in force, all those who held land under a lord (and who were properly called vassals, in feudal law) were constantly associated with the lord, though many of them were not noble, in the government of the Seignory; indeed this was the principal condition of their tenures. Not only were they bound to follow the lord to war, but they were bound, in virtue of their holdings, to spend a certain part of the year at his court, that is in helping him to administer justice, and to govern the inhabitants. The lord's court was the mainspring of the feudal system of government; it played a part in all the ancient laws of Europe, and very distinct vestiges of it may still be found in many parts of Germany. The learned feudalist, Edmé de Fréminville, who, thirty years before the French Revolution, thought fit to write a thick volume on feudal rights and on the renovation of manor rolls, informs us that he had seen in 'the titles of a number of manors, that the vassals were obliged to appear every fortnight at the lord's court, and that being there assembled they judged conjointly with the lord and his ordinary judge, the assizes and differences which had arisen between the inhabitants.' He adds, that he had found 'there were sometimes eighty, one hundred and fifty, and even as many as two hundred vassals in one lordship, a great number of whom were *roturiers*.' I have quoted this, not as a proof, for a thousand others might be adduced, but as an example of the manner in

which at the beginning, and for long afterwards, the rural classes were united with the nobility, and mingled with them daily in the conduct of affairs. That which the lord's court did for the small rural proprietors, the Provincial Estates, and subsequently the States-General, effected for the citizens of the towns.

It is impossible to study the records of the States-General of the fourteenth century, and above all of the Provincial Estates of the same period, without being astonished at the importance of the place which the *Tiers-Etat* filled in those assemblies, and at the power it wielded in them.

As a man the burges of the fourteenth century was, doubtless, very inferior to the burges of the eighteenth; but the middle class, as a body, filled a far higher and more secure place in political society. Its right to a share in the government was uncontested; the part which it played in political assemblies was always considerable and often preponderating. The other classes of the community were forced to a constant reckoning with the people.

But what strikes us most is, that the nobility and the *Tiers-Etat* found it at that time so much easier to transact business together, or to offer a common resistance, than they have ever found it since. This is observable not only in the States-General of the fourteenth century, many of which had an irregular and revolutionary character impressed upon them by the disasters of the time, but in the Provincial Estates of the same period, where nothing seems to have interrupted the regular and habitual course

of affairs. Thus, in Auvergne, we find that the three Orders took the most important measures in common, and that the execution of them was superintended by commissioners chosen equally from all three. The same thing occurred at the same time in Champagne. Every one knows the famous act by which, at the beginning of the same century, the nobles and burgesses of a large number of towns combined together to defend the franchises of the nation and the privileges of their provinces against the encroachments of the Crown. During that period of French history we find many such episodes, which appear as if borrowed from the history of England. In the following centuries events of this character altogether disappeared.³⁶

The fact is, that as by degrees the government of the lordships became disorganised, and the States-General grew rarer or ceased altogether—that as the general liberties of the country were finally destroyed, involving the local liberties in their ruin—the burgess and the noble ceased to come into contact in public life. They no longer felt the necessity of standing by one another, or of a mutual compact; every day rendered them more independent of each other, but at the same time estranged them more and more. In the eighteenth century this revolution was fully accomplished; the two conditions of men never met but by accident in private life. Thenceforth the two classes were not merely rivals but enemies.³⁷

³⁶ See Note XXX., Self-Government adverse to Spirit of Caste.

³⁷ See Note XXXI.

One circumstance which seems very peculiar to France, was that at the very time when the order of nobility was thus losing its political powers, the nobles individually acquired several privileges which they had never possessed before, or increased those which they already enjoyed. It was as if the members enriched themselves with the spoil of the body. The nobility had less and less right to command, but the nobles had more and more the exclusive prerogative of being the first servants of the master. It was more easy for a man of low birth to become an officer under Louis XIV. than under Louis XVI.; this frequently happened in Prussia at a time when there was no example of such a thing in France. Every one of these privileges once obtained adhered to the blood and was inseparable from it. The more the French nobility ceased to be an aristocracy, the more did it become a caste.

Let us take the most invidious of all these privileges, that of exemption from taxation.³⁸ It is easy to perceive that from the fifteenth century until the French Revolution, this privilege was continually increasing, and that it increased with the rapid progress of the public burdens. When, as under Charles VII., only 1,200,000 livres were raised by the *taille*

³⁸ See Note XXXII., Extent of Exemptions from Taxation.

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