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LECTURES ON THE FRENCH REVOLUTION

BY
LORD ACTON



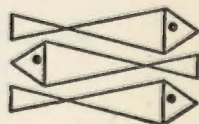
Barbara Bert

LECTURES ON THE FRENCH REVOLUTION

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immortality of a classic, and in time contributed to the doctrine that the democracy is irresponsible and must have its way.

Maultrot, the best ecclesiastical lawyer of the day, published three volumes in 1790 on the power of the people over kings, in which, with accurate research among sources very familiar to him and to nobody else, he explained how the Canon Law approves the principles of 1688 and rejects the modern invention of divine right. His book explains still better the attitude of the clergy in the Revolution, and their brief season of popularity.

The true originator of the opposition in literature was Fénelon. He was neither an innovating reformer nor a discoverer of new truth; but as a singularly independent and most intelligent witness, he was the first who saw through the majestic hypocrisy of the court, and knew that France was on the road to ruin. The revolt of conscience began with him before the glory of the monarchy was clouded over. His views grew from an extraordinary perspicacity and refinement in the estimate of men. He learnt to refer the problem of government, like the conduct of private life, to the mere standard of morals, and extended further than any one the plain but hazardous practice of deciding all things by the exclusive precepts of enlightened virtue. If he did not know all about policy and international science, he could always tell what would be expected of a hypothetically perfect man. Fénelon feels like a citizen of Christian Europe, but he pursues his thoughts apart from his country or his church, and his deepest utterances are in the mouth of pagans. He desired to be alike true to his own beliefs, and gracious towards those who dispute them. He approved neither the deposing power nor the punishment of error, and declared that the highest need of the Church was not victory but liberty. Through his friends, Fleury and Chevreuse, he favoured the recall of the Protestants, and he advised a general toleration. He would have the secular power kept aloof from ecclesiastical concerns, because protection leads to religious servitude

further demonstrated by Montesquieu. For England had recently created a government which was stronger than the institutions that had stood on antiquity. Founded upon fraud and treason, it had yet established the security of law more firmly than it had ever existed under the system of legitimacy, of prolonged inheritance, and of religious sanction. It flourished on the unaccustomed belief that theological dissensions need not detract from the power of the State, while political dissensions are the very secret of its prosperity. The men of questionable character who accomplished the change and had governed for the better part of sixty years, had successfully maintained public order, in spite of conspiracy and rebellion; they had built up an enormous system of national credit, and had been victorious in continental war. The Jacobite doctrine, which was the basis of European monarchy, had been backed by the arms of France, and had failed to shake the newly planted throne. A great experiment had been crowned by a great discovery. A novelty that defied the wisdom of centuries had made good its footing, and revolution had become a principle of stability more sure than tradition. XX

Montesquieu undertook to make the disturbing fact avail in political science. He valued it because it reconciled him with monarchy. He had started with the belief that kings are an evil, and not a necessary evil, and that their time was running short. His visit to Walpolean England taught him a plan by which they might be relieved. He still confessed that a republic is the reign of virtue; and by virtue he meant love of equality and renunciation of self. But he had seen a monarchy that throve by corruption. He said that the distinctive principle of monarchy is not virtue but honour, which he once described as a contrivance to enable men of the world to commit almost every offence with impunity. The praise of England was made less injurious to French patriotism by the famous theory that explains institutions and character by the barometer and the latitude. Montesquieu looked about him, and abroad, but not far ahead

the security and the happiness of empires. Turgot indeed had failed in office; but his reputation was not diminished, and the power of his name exceeded all others at the outbreak of the Revolution. His policy of employing the Crown to reform the State was at once rejected in favour of other counsels; but his influence may be traced in many acts of the Assembly, and on two very memorable occasions it was not auspicious. It was a central dogma of the party that land is the true source of wealth, or, as Asgill said, that man deals in nothing but earth. When a great part of France became national property, men were the more easily persuaded that land can serve as the basis of public credit and of unlimited *assignats*. According to a weighty opinion which we shall have to consider before long, the parting of the ways in the Revolution was on the day when, rejecting the example both of England and America, the French resolved to institute a single undivided legislature. It was the Pennsylvanian model; and Voltaire had pronounced Pennsylvania the best government in the world. Franklin gave the sanction of an oracle to the constitution of his state, and Turgot was its vehement protagonist in Europe.

A king ruling over a level democracy, and a democracy ruling itself through the agency of a king, were long contending notions in the first Assembly. One was monarchy according to Turgot, the other was monarchy adapted to Rousseau; and the latter, for a time, prevailed. Rousseau was the citizen of a small republic, consisting of a single town, and he professed to have applied its example to the government of the world. It was Geneva, not as he saw it, but as he extracted its essential principle, and as it has since become, Geneva illustrated by the Forest Cantons and the Landsgemeinde more than by its own charters. The idea was that the grown men met in the market-place, like the peasants of Glarus under their trees, to manage their affairs, making and unmaking officials, conferring and revoking powers. They were equal, because every man had exactly the

sequence of the ideas of pure democracy to the government of nations.

Now the most glaring and familiar fact in history shows that the direct self-government of a town cannot be extended over an empire. It is a plan that scarcely reaches beyond the next parish. Either one district will be governed by another, or both by somebody else chosen for the purpose. Either plan contradicts first principles. Subjection is the direct negation of democracy; representation is the indirect. So that an Englishman underwent bondage to parliament as much as Lausanne to Berne or as America to England if it had submitted to taxation, and by law recovered his liberty but once in seven years. Consequently Rousseau, still faithful to Swiss precedent as well as to the logic of his own theory, was a federalist. In Switzerland, when one half of a canton disagrees with the other, or the country with the town, it is deemed natural that they should break into two, that the general will may not oppress minorities. This multiplication of self-governing communities was admitted by Rousseau as a preservative of unanimity on one hand, and of liberty on the other. Helvétius came to his support with the idea that men are not only equal by nature but alike, and that society is the cause of variation; from which it would follow that everything may be done by laws and by education.

Rousseau is the author of the strongest political theory that had appeared amongst men. We cannot say that he reasons well, but he knew how to make his argument seem convincing, satisfying, inevitable, and he wrote with an eloquence and a fervour that had never been seen in prose, even in Bolingbroke or Milton. His books gave the first signal of a universal subversion, and were as fatal to the Republic as to the Monarchy. Although he lives by the social contract and the law of resistance, and owes his influence to what was extreme and systematic, his later writings are loaded with sound political wisdom. He owes nothing to the novelty or the originality of his thoughts. Taken jointly or severally, they are old friends,

better expressed than your sentiments are on this point, where you prefer liberty of trading, cultivating, manufacturing, etc., even to civil liberty, this being affected but rarely, the other every hour."

These early authors of American independence were generally enthusiasts for the British Constitution, and preceded Burke in the tendency to canonise it, and to magnify it as an ideal exemplar for nations. John Adams said, in 1766: "Here lies the difference between the British Constitution and other forms of government, namely, that liberty is its end, its use, its designation, drift and scope, as much as grinding corn is the use of a mill." Another celebrated Bostonian identified the Constitution with the law of Nature, as Montesquieu called the Civil Law, written Reason. He said: "It is the glory of the British prince and the happiness of all his subjects, that their constitution hath its foundation in the immutable laws of Nature; and as the supreme legislative, as well as the supreme executive, derives its authority from that constitution, it should seem that no laws can be made or executed that are repugnant to any essential law in Nature." The writer of these words, James Otis, is the founder of the revolutionary doctrine. Describing one of his pamphlets, the second President says: "Look over the declaration of rights and wrongs issued by Congress in 1774; look into the declaration of independence in 1776; look into the writings of Dr. Price and Dr. Priestley; look into all the French constitutions of government; and, to cap the climax, look into Mr. Thomas Paine's *Common Sense*, *Crisis*, and *Rights of Man*. What can you find that is not to be found in solid substance in this 'Vindication of the House of Representatives'?" When these men found that the appeal to the law and to the constitution did not avail them, that the king, by bribing the people's representatives with the people's money, was able to enforce his will, they sought a higher tribunal, and turned from the law of England to the law of Nature, and from the king of England to the King of kings. Otis, in 1762, 1764 and

1765, says: "Most governments are, in fact, arbitrary, and consequently the curse and scandal of human nature; yet none are of right arbitrary. By the laws of God and nature, government must not raise taxes on the property of the people without the consent of the people or their deputies. There can be no prescription old enough to supersede the law of Nature and the grant of God Almighty, who has given all men a right to be free. If a man has but little property to protect and defend, yet his life and liberty are things of some importance." About the same time Gadsden wrote: "A confirmation of our essential and common rights as Englishmen may be pleaded from charters clearly enough; but any further dependence on them may be fatal. We should stand upon the broad common ground of those natural rights that we all feel and know as men and as descendants of Englishmen."

The primitive fathers of the United States began by preferring abstract moral principle to the letter of the law and the spirit of the Constitution. But they went farther. Not only was their grievance difficult to substantiate at law, but it was trivial in extent. The claim of England was not evidently disproved, and even if it was unjust, the injustice practically was not hard to bear. The suffering that would be caused by submission was immeasurably less than the suffering that must follow resistance, and it was more uncertain and remote. The utilitarian argument was loud in favour of obedience and loyalty. But if interest was on one side, there was a manifest principle on the other—a principle so sacred and so clear as imperatively to demand the sacrifice of men's lives, of their families and their fortune. They resolved to give up everything, not to escape from actual oppression, but to honour a precept of unwritten law. That was the transatlantic discovery in the theory of political duty, the light that came over the ocean. It represented liberty not as a comparative release from tyranny, but as a thing so divine that the existence of society must be staked to prevent even the least constructive infraction of

its sovereign right. "A free people," said Dickinson, "can never be too quick in observing nor too firm in opposing the beginnings of alteration either in form or reality, respecting institutions formed for their security. The first kind of alteration leads to the last. As violations of the rights of the governed are commonly not only specious, but small at the beginning, they spread over the multitude in such a manner as to touch individuals but slightly. Every free state should incessantly watch, and instantly take alarm at any addition being made to the power exercised over them." Who are a free people? Not those over whom government is reasonably and equitably exercised; but those who live under a government so constitutionally checked and controlled that proper provision is made against its being otherwise exercised. The contest was plainly a contest of principle, and was conducted entirely on principle by both parties. "The amount of taxes proposed to be raised," said Marshall, the greatest of constitutional lawyers, "was too inconsiderable to interest the people of either country." I will add the words of Daniel Webster, the great expounder of the Constitution, who is the most eloquent of the Americans, and stands, in politics, next to Burke: "The Parliament of Great Britain asserted a right to tax the Colonies in all cases whatsoever; and it was precisely on this question that they made the Revolution turn. The amount of taxation was trifling, but the claim itself was inconsistent with liberty, and that was in their eyes enough. It was against the recital of an act of Parliament, rather than against any suffering under its enactment, that they took up arms. They went to war against a preamble. They fought seven years against a declaration. They saw in the claim of the British Parliament a seminal principle of mischief, the germ of unjust power."

The object of these men was liberty, not independence. Their feeling was expressed by Jay in his address to the people of Great Britain: "Permit us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory and our greatest happiness." Before

1775 there was no question of separation. During all the Revolution Adams declared that he would have given everything to restore things as before with security ; and both Jefferson and Madison admitted in the presence of the English minister that a few seats in both Houses would have set at rest the whole question.

In their appeal to the higher law the Americans professed the purest Whiggism, and they claimed that their resistance to the House of Commons and the jurisprudence of Westminster only carried forward the eternal conflict between Whig and Tory. By their closer analysis, and their fearlessness of logical consequences, they transformed the doctrine and modified the party. The uprooted Whig, detached from his parchments and precedents, his leading families and historic conditions, exhibited new qualities ; and the era of compromise made way for an era of principle. Whilst French diplomacy traced the long hand of the English opposition in the tea riots at Boston, Chatham and Camden were feeling the influence of Dickinson and Otis, without recognising the difference. It appears in a passage of one of Chatham's speeches, in 1775 : " This universal opposition to your arbitrary system of taxation might have been foreseen. It was obvious from the nature of things, and from the nature of man, and, above all, from the confirmed habits of thinking, from the spirit of Whiggism flourishing in America. The spirit which now pervades America is the same which formerly opposed loans, benevolences, and ship-money in this country, is the same spirit which roused all England to action at the Revolution, and which established at a remote era your liberties, on the basis of that grand fundamental maxim of the Constitution, that no subject of England shall be taxed but by his own consent. To maintain this principle is the common cause of the Whigs on the other side of the Atlantic, and on this. It is the alliance of God and Nature, immutable, eternal, fixed as the firmament of heaven. Resistance to your acts was necessary as it was just ; and your vain declarations of the omnipotence of parliament, and your imperious doctrines of the necessity

view the establishment of the English Colonies on principles of liberty, as that which is to render this kingdom venerable to future ages. In comparison of this, we regard all the victories and conquests of our warlike ancestors, or of our own times, as barbarous, vulgar distinctions, in which many nations, whom we look upon with little respect or value, have equalled, if not far exceeded us. Those who have and who hold to that foundation of common liberty, whether on this or on your side of the ocean, we consider as the true and the only true Englishmen. Those who depart from it, whether there or here, are attainted, corrupted in blood, and wholly fallen from their original rank and value. They are the real rebels to the fair constitution and just supremacy of England. A long course of war with the administration of this country may be but a prelude to a series of wars and contentions among yourselves, to end at length (as such scenes have too often ended) in a species of humiliating repose, which nothing but the preceding calamities would reconcile to the dispirited few who survived them. We allow that even this evil is worth the risk to men of honour when rational liberty is at stake, as in the present case we confess and lament that it is."

Burke!
At other times he spoke as follows:—"Nothing less than a convulsion that will shake the globe to its centre can ever restore the European nations to that liberty by which they were once so much distinguished. The Western world was the seat of freedom until another, more Western, was discovered; and that other will probably be its asylum when it is hunted down in every other part. Happy it is that the worst of times may have one refuge still left for humanity. If the Irish resisted King William, they resisted him on the very same principle that the English and Scotch resisted King James. The Irish Catholics must have been the very worst and the most truly unnatural of rebels, if they had not supported a prince whom they had seen attacked, not for any designs against their religion or their liberties, but

for an extreme partiality for their sect. Princes otherwise meritorious have violated the liberties of the people, and have been lawfully deposed for such violation. I know no human being exempt from the law. I consider Parliament as the proper judge of kings, and it is necessary that they should be amenable to it. There is no such thing as governing the whole body of the people contrary to their inclination. Whenever they have a feeling they commonly are in the right. Christ appeared in sympathy with the lowest of the people, and thereby made it a firm and ruling principle that their welfare was the object of all government.

"In all forms of government the people is the true legislator. The remote and efficient cause is the consent of the people, either actual or implied, and such consent is absolutely essential to its validity. Whiggism did not consist in the support of the power of Parliament or of any other power, but of the rights of the people. If Parliament should become an instrument in invading them, it was no better in any respect, and much worse in some, than any other instrument of arbitrary power. They who call upon you to belong wholly to the people are those who wish you to belong to your proper home, to the sphere of your duty, to the post of your honour. Let the Commons in Parliament assembled be one and the same thing with the Commons at large. I see no other way for the preservation of a decent attention to public interest in the representatives, but the interposition of the body of the people itself, whenever, it shall appear by some flagrant and notorious act, by some capital innovation, that those representatives are going to over-leap the fences of the law and to introduce an arbitrary power. This interposition is a most unpleasant remedy; but if it be a legal remedy, it is intended on some occasion to be used—to be used then only when it is evident that nothing else can hold the Constitution to its true principles. It is not in Parliament alone that the remedy for parliamentary disorders can be completed; hardly, indeed, can it begin there. A popular origin cannot therefore be

itself arose without establishment, it arose even without toleration, and whilst its own principles were not tolerated, it conquered all the powers of darkness, it conquered all the powers of the world. The moment it began to depart from these principles, it converted the establishment into tyranny, it subverted its foundation from that very hour. It is the power of government to prevent much evil ; it can do very little positive good in this, or perhaps in anything else. It is not only so of the State and statesman, but of all the classes and descriptions of the rich: they are the pensioners of the poor, and are maintained by their superfluity. They are under an absolute, hereditary, and indefeasible dependence on those who labour and are miscalled the poor. That class of dependent pensioners called the rich is so extremely small, that if all their throats were cut, and a distribution made of all they consume in a year, it would not give a bit of bread and cheese for one night's supper to those who labour, and who in reality feed both the pensioners and themselves. It is not in breaking the laws of commerce, which are the laws of nature and consequently the laws of God, that we are to place our hope of softening the divine displeasure. It is the law of nature, which is the law of God."

I cannot resist the inference from these passages that Burke, after 1770, underwent other influences than those of his reputed masters, the Whigs of 1688. And if we find that strain of unwonted thought in a man who afterwards gilded the old order of things and wavered as to toleration and the slave trade, we may expect that the same causes would operate in France.

When the *Letters of a Pennsylvanian Farmer* became known in Europe, Diderot said that it was madness to allow Frenchmen to read such things, as they could not do it without becoming intoxicated and changed into different men. But France was impressed by the event more than by the literature that accompanied it. America had made herself independent under less provocation than had ever been a motive of revolt, and the French Government had acknowledged that her cause was righteous and

had gone to war for it. If the king was right in America, he was utterly wrong at home, and if the Americans acted rightly, the argument was stronger, the cause was a hundredfold better, in France itself. All that justified their independence condemned the Government of their French allies. By the principle that taxation without representation is robbery, there was no authority so illegitimate as that of Lewis XVI. The force of that demonstration was irresistible, and it produced its effect where the example of England failed. The English doctrine was repelled at the very earliest stage of the Revolution, and the American was adopted. What the French took from the Americans was their theory of revolution, not their theory of government—their cutting, not their sewing. Many French nobles served, in the war, and came home republicans and even democrats by conviction. It was America that converted the aristocracy to the reforming policy, and gave leaders to the Revolution. “The American Revolution,” says Washington, “or the peculiar light of the age, seems to have opened the eyes of almost every nation in Europe, and a spirit of equal liberty appears fast to be gaining ground everywhere.” When the French officers were leaving, Cooper, of Boston, addressed them in the language of warning: “Do not let your hopes be inflamed by our triumphs on this virgin soil. You will carry our sentiments with you, but if you try to plant them in a country that has been corrupt for centuries, you will encounter obstacles more formidable than ours. Our liberty has been won with blood; you will have to shed it in torrents before liberty can take root in the old world.” Adams, after he had been President of the United States, bitterly regretted the Revolution which made them independent, because it had given the example to the French; although he also believed that they had not a single principle in common.

Nothing, on the contrary, is more certain than that American principles profoundly influenced France, and determined the course of the Revolution. It is from America that Lafayette derived the saying that created a

Tocqueville, it is destined to be, was not apparent. In the same manner religious liberty, which has become so much identified with the United States, is a thing which grew by degrees, and was not to be found imposed by the letter of the law.

The true natural check on absolute democracy is the federal system, which limits the central government by the powers reserved, and the state governments by the powers they have ceded. It is the one immortal tribute of America to political science, for state rights are at the same time the consummation and the guard of democracy. So much so that an officer wrote, a few months before Bull Run: "The people in the south are evidently unanimous in the opinion that slavery is endangered by the current of events, and it is useless to attempt to alter that opinion. As our government is founded on the will of the people, when that will is fixed our government is powerless." Those are the words of Sherman, the man who, by his march through Georgia, cut the Confederacy into two. Lincoln himself wrote, at the same time: "I declare that the maintenance inviolate of the rights of the states, and especially the right of each state to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of powers on which the perfection and endurance of our political fabric depend." Such was the force with which state rights held the minds of abolitionists on the eve of the war that bore them down.

At the Revolution there were many Frenchmen who saw in federalism the only way to reconcile liberty and democracy, to establish government on contract, and to rescue the country from the crushing preponderance of Paris and the Parisian populace. I do not mean the Girondins, but men of opinions different from theirs, and, above all, Mirabeau. He planned to save the throne by detaching the provinces from the frenzy of the capital, and he declared that the federal system is alone capable of preserving freedom in any great empire. The idea did not grow up under American influence; for no man was

was, in the existing conditions of antagonism, the end of free government. And indeed the position occupied by the king was untenable, because the division of orders into three Houses had already come to an end. For on Monday the 22nd, in the Church of St. Lewis, 149 ecclesiastical deputies, the Archbishops of Bordeaux and Vienne at their head, had joined the Commons. It was a step which they were legally authorised and competent to take, and the Revolution now had a majority not only of individual votes, but of orders. It was a forlorn hope, therefore, to separate them by compulsion.

Lewis XVI. ended by declaring that he was determined to accomplish the happiness of his people, and that if the deputies refused to co-operate he would accomplish it alone; and he charged them to withdraw. The Commons were in their own House, and, with the majority of the clergy, they resumed their seats, uncertain of the future. Their uncertainty was all at once auspiciously relieved. Dreux Brézé, the master of ceremonies, re-appeared, and as he brought a message from the king he wore his plumed hat upon his head. With clamorous outcries he was told to uncover, and he uttered a reply so insolent that his son, describing the scene in public after many years, declined to repeat his words. Therefore, when he asked whether they had heard the king's order to depart, he received a memorable lesson. Mirabeau exclaimed, "Yes, but if we are to be expelled, we shall yield only to force." Brézé answered, correctly, that he did not recognise Mirabeau as the organ of the Assembly, and he turned to the president. But Bailly rose above Mirabeau, and said, "The nation is assembled here, and receives no orders." At these words the master of ceremonies, as if suddenly aware of the presence of majesty, retired, walking backwards to the door. It was at that moment that the old order changed and made place for the new. For Sieyès, who possessed the good gift of putting a keen edge to his thoughts, who had begun his career in Parliament ten days before by saying, "It is time to cut the cables," now spoke, and with superb

over the king, had surrendered unconditionally to the nobles, and assented, for a few political reforms, to the social degradation of the democracy, they would have betrayed their constituents. On that consideration they were compelled to act. They acted also on the principle, which was not new, which came down indeed from mediæval divines, but which was newly invested with universal authority, that the law is not the will of the sovereign that commands, but of the nation that obeys. It was the very marrow of the doctrine that obstruction of liberty is crime, that absolute authority is not a thing to be consulted, but a thing to be removed, and that resistance to it is no affair of interest or convenience, but of sacred obligation. Every drop of blood shed in the American conflict was shed in a cause immeasurably inferior to theirs, against a system more legitimate by far than that of June 23. Unless Washington was an assassin, it was their duty to oppose, if it might be, by policy, if it must be, by force, the mongrel measure of concession and obstinacy which the Court had carried against the proposals of Necker. That victory was reversed, and the success of the Commons was complete. They had brought the three orders into one; they had compelled the king to retract his declaration and to restore his disgraced minister; they had exposed the weakness of their oppressors, and they had the nation at their back.

On June 27, in the united Assembly, Mirabeau delivered an address of mingled triumph and conciliation, which was his first act of statesmanship. He said that the speech from the throne contained large and generous views that proved the genuine liberality of the king. He desired to receive them gratefully without the drawbacks imposed by unthinking advisers, and to respect the just rights of the *noblesse*. He took the good without the evil, extricating Lewis from his entanglement, and tracing the line by which he might have advanced to great results. "The past," he said, "has been the history of wild beasts. We are inaugurating the history of men; for we have no weapon but discussion, and no adversary but prejudice."

stitutional. But the deputies, in declaring themselves permanent, had cut themselves adrift from their constituents. The instructions had become the sole security that the Constitution would remain within the limits laid down by the nation, the sole assurance against indefinite change. They alone determined the line of advance, and gave protection to monarchy, property, religion, against the headlong rush of opinion, and the exigencies of popular feeling.

Sieyès, who expected no good from the co-operation of the orders which he condemned, and who thought a nobleman or prelate who did not vote better than one who voted wrong, urged that the question did not affect the Assembly, but the constituencies, and might be left to them. He carried his amendment by seven hundred to twenty-eight.

Meantime the party that had prevailed on June 23 and had succumbed on the 27th was at work to recover the lost position. Lewis had retained the services of Necker, without dismissing the colleagues who baffled him. He told him that he would not accept his resignation now, but would choose the time for it. Necker had not the acuteness to understand that he would be dismissed as soon as his enemies felt strong enough to do without him. A king who deserted his friends and reversed his accepted policy because there was no force he could depend on, was a king with a short shrift before him. He became the tool of men who did not love him, and who now despised him.

The resources wanting at the critical moment were, however, within reach, and the scheme proposed to the Count d'Artois by the wily bishop a few nights before was revived by less accomplished plotters. On July 1 it became known that a camp of 25,000 men was to be formed near Versailles under Marshal de Broglie, a veteran who gathered his laurels in the Seven Years' War, and soon the Terrace was crowded with officers from the north and east, who boasted that they had sharpened their sabres, and meant to make short work of the

with the Bastille. They neglected to make terms with the enemy at their homes.

The appalling thing in the French Revolution is not the tumult but the design. Through all the fire and smoke we perceive the evidence of calculating organisation. The managers remain studiously concealed and masked ; but there is no doubt about their presence from the first. They had been active in the riots of Paris, and they were again active in the provincial rising. The remnant of the upper classes formed a powerful minority at Versailles ; and if they acted as powerful minorities do, if they entered into compacts and combinations, they could compound for the loss of fiscal immunity by the salvation of social privilege. The people would continue to have masters—masters, that is, not of their own making. They would be subject to powers instituted formerly, whilst the Government itself obtained its credentials for the day, and there would still be an intermediate body between the nation and the sovereign. Wealth artificially constituted, by means of laws favouring its accumulation in a class, and discouraging its dispersion among all, would continue to predominate.

France might be transformed after the likeness of England ; but the very essence of the English system was liberty founded on inequality. The essence of the French ideal was democracy, that is, as in America, liberty founded on equality. Therefore it was the interest of the democratic or revolutionary party that the next step should be taken after the manner of the last, that compulsion, which had answered so well with the king, should be tried on the nobles, that the methods applied at Paris should be extended to the Provinces, for there the nobles predominated. A well-directed blow struck at that favoured and excepted moment, when the country was ungoverned, might alter for ever, and from its foundation, the entire structure of society. Liberty had been secured ; equality was within reach. The political revolution ensured the prompt success of the social revolution. Such an opportunity of suppressing com-

dividing line between that which was property and that which was abuse. The want of definiteness enabled the landlords afterwards to attempt the recovery of much debatable ground, and involved, after long contention, the ultimate loss of all.

The programme was excessively complicated, and required years to be carried out. The nobles won the day with their demand to be compensated; but Duport already spoke the menacing words: "Injustice has no right to subsist, and the price of injustice has no right to subsist." The immensity of the revolution, which these changes implied, was at once apparent. For it signified that liberty, which had been known only in the form of privilege, was henceforward identified with equality. The nobles lost their jurisdiction; the corporation of judges lost their right of holding office by purchase. All classes alike were admitted to all employments. When privilege fell, provinces lost it as well as orders. One after the other, Dauphiné, Provence, Brittany, Languedoc, declared that they renounced their historic rights, and shared none but those which were common to all Frenchmen. Servitude was abolished; and on the same principle, that all might stand on the same level before the law, justice was declared gratuitous.

Lubersac, bishop of Chartres, the friend and patron of Sieyès, moved the abolition of the game laws, which meant the right of preserving on another man's land. It was a right which necessarily followed the movement of that night; but it led men to say that the clergy gave away generously what belonged to somebody else. It was then proposed that the tithe should be commuted; and the clergy showed themselves as zealous as the laity to carry out to their own detriment the doctrine that imposed so many sacrifices.

The France of history vanished on August 4, and the France of the new democracy took its place. The transfer of property from the upper class to the lower was considerable. The peasants' income was increased by about 60 per cent. Nobody objected to the tremendous loss,

energy. The Assembly decided that a system of rights belonged to politics, and a system of duties to ethics, and rejected the motion, on the morning of the 4th of August, by 570 to 433.

This was the deciding division on the question of the Rights of Man. After some days, absorbed by the crisis of aristocracy, the distracted and wearied Assembly turned again from the excitement of facts and interests to the discussion of theory. A new committee of five was appointed to revise the work of the committee of eight, which dealt with the entire Constitution.

On August 17 Mirabeau reported their scheme. His heart was not in it; and he resented the intrusion of hampering generalities and moralities into the difficult experimental science of government. He advised that the Constitution should be settled first, that the guide should follow instead of preceding. The Assembly rejected the proposals of its committees, and all the plans which were submitted by the celebrities. The most remarkable of these was by Sieyès, and it met with favour; but the final vote was taken on a less illustrious composition, which bore no author's name. The selected text was less philosophical and profound, and it roused less distant echoes than its rival; but it was shorter, and more tame, and it was thought to involve fewer doubtful postulates, and fewer formidable consequences. Between the 20th and 26th of August it was still further abridged, and reduced from twenty-four propositions to the moderate dimension of seventeen. These omissions from a document which had been preferred to very remarkable competitors are the key to the intentions of the National Assembly, and our basis of interpretation.

The original scheme included a State Church. This was not adopted. It distinguished the inequality of men from the equality of rights. This was deemed self-evident and superfluous. It derived the mutual rights of men from their mutual duties; and this terrestrial definition also disappeared, leaving the way open to a higher cause. The adopted code was meagre and ill-composed, and

are not admitted among the fundamentals and are left to future legislation. The most singular passage is that which ordains that no man may be molested for his opinions, even religious. It would appear that Toleration was that part of the liberal dogma for which the deputies were least prepared.

The Declaration passed, by August 26, after a hurried debate, and with no further resistance. The Assembly, which had abolished the past at the beginning of the month, attempted, at the end, to institute and regulate the future. These are its abiding works, and the perpetual heritage of the Revolution. With them a new era dawned upon mankind.

And yet this single page of print, which outweighs libraries, and is stronger than all the armies of Napoleon, is not the work of superior minds, and bears no mark of the lion's claw. The stamp of Cartesian clearness is upon it, but without the logic, the precision, the thoroughness of French thought. There is no indication in it that Liberty is the goal, and not the starting-point, that it is a faculty to be acquired, not a capital to invest, or that it depends on the union of innumerable conditions, which embrace the entire life of man. Therefore it is justly arraigned by those who say that it is defective, and that its defects have been a peril and a snare.

It was right that the attempt should be made; for the extinction of privilege involved a declaration of rights. When those that were exclusive and unequal were abandoned, it was necessary to define and to insist on those that were equal and the property of all. After destroying, the French had to rebuild, and to base their new structure upon principles unknown to the law, unfamiliar to the people, absolutely opposed to the lesson of their history and to all the experience of the ages in which France had been so great. It could not rest on traditions, or interests, or any persistent force of gravitation. Unless the idea that was to govern the future was impressed with an extreme distinctness upon the minds of all, they would not understand the consequences of so

government. On the following day Mirabeau spoke on the same side. He said that the danger was not from the Crown, but from the representatives; for they may exclude strangers and debate in secret, as the English law allows, and these may declare themselves permanent, and escape all control. Through the king, the public possesses the means of holding them in check. He is their natural ally against usurping deputies, and the possible formation of a new aristocracy. The legislature enjoys a temporary mandate only. The perpetual representative of the people is the king. It is wrong to deny him powers necessary for the public interest. It is the partial appearance of a view that was expanded by Napoleon.

Mounier defended his plan on September 4. On several points there was no large variety of opinion. It was practically admitted that there could be no governing without Parliament, that it must meet annually, that its acts require the royal assent, that it shall be elected indirectly, by equal districts, and a moderate property franchise. Mounier further conceded that the Constitution was not subject to the royal veto, that Ministers should not be members of the Assembly, that the Assembly, and not the king, should have the initiative of proposing laws, and that it should have the right of refusing supplies. The real question at issue was whether the representatives of the people should be checked by an Upper House, by the king's power of dissolution, and by an absolute or a temporary veto.

Mounier had private friends among his opponents, and they opened a negotiation with him. They were prepared to accept his two Houses and his absolute veto. They demanded in return that the Senate should have only a suspensive veto on the acts of the representatives, that there should be no right of Dissolution, that Conventions should be held periodically, to revise the Constitution. These offers were a sign of weakness. The Constitutional party was still in the ascendant, and on August 31 the Bishop of Langres, the chief advocate of a House of Lords, was chosen President by 499 to 328. If the

division of the legislature into two was sure of a majority, then the proposed bargain was one-sided, and the Democrats would have taken much more than they gave. Mounier, counting on the support of those whose interest was that he should succeed, rejected the offer. He had already been forced, by the defection of friends, to abandon much that he would have wished to keep; and the plan which he brought forward closely resembled that under which France afterwards prospered.

Nevertheless, the failure of that negotiation is a fatal date in constitutional history. With more address, and a better knowledge of the situation, Mounier might have saved half of the securities he depended on. He lost the whole. The things he refused to surrender at the conference were rejected by the Assembly; and the offers he had rejected were not made again. When the legislature was limited to two years, the right of dissolution lost its value. The right of revision would have caused no more rapid changes than actually ensued; for there were fourteen Constitutions in eighty-six years, or a fundamental revision every six or seven years. Lastly, the veto of the Senate had no basis of argument, until it was decided how the Senate should be composed.

The disastrous ruin of the cause was brought on by want of management, and not by excess of conservatism. Mounier inclined to an hereditary House of Peers; and that, after August 4, was not to be thought of. But he knew the difficulty, and, however reluctantly, gave way. And he attached undue importance to the absolute veto; but that was not the point on which the conference broke up. He was supported by Lafayette, who dreaded as much as he did the extinction of the royal power; at times by Mirabeau, whom he detested. Even Sieyès was willing to have two Houses, and even three, provided they were, in reality, one House, deliberating in three divisions, but counting all the votes in common. He also proposed that there should be a renewal of one-third at a time; so that there would be three degrees of the popular infusion and of proximity to Mother Earth.

from equals is not to be confounded with persecution by superiors. It is right that the majority, by degrees, should absorb the minority. The work of limiting authority had been accomplished by the Rights of Man. The work of creating authority was left to the Constitution. In this way men of varying opinions were united in the conclusion that the powers emanating from the people ought not to be needlessly divided.

Besides Sieyès, who found ideas, and Talleyrand, who found expedients, several groups were, for the time, associated with the party which was managed by Duport. There were some of the most eminent jurists, eager to reform the many systems of law and custom that prevailed in France, who became the lawgivers of successive Assemblies, until they completed their code under Napoléon. Of all the enemies of the old monarchical *régime*, they were the most methodical and consistent. The leader of the Paris Bar, Target, was their most active politician. When he heard of a plan for setting the finances in order he said, "If anybody has such a plan, let him at once be smothered. It is the disorder of the finances that puts the king in our power." The Economists were as systematic and definite as the lawyers, and they too had much to destroy. Through Dupont de Nemours their theories obtained enduring influence.

There were two or three of the future Girondins who taught that the people may be better trusted than representatives, and who were ready to ratify the Constitution, and even to decide upon the adoption of laws, by the popular vote. And there were two men, not yet distinctly divided from these their future victims, who went farther in opposition to the Rights of Man, and towards the confusion of powers. In their eyes, representation and delegation were treason to true democracy. As the people could not directly govern itself, the principle exacted that it should do so as nearly as possible, by means of a perpetual control over the delegates. The parliamentary vote ought to be constantly brought into harmony with the wish of the constituency, by the press, the galleries

besides Paris ; and as they were designed to be as nearly as possible equal to a square of about forty-five miles, they differed widely in population and property. They were to have an average of nine deputies each : three for the superficial area, which was invariable ; three, more or less, for population ; and again three, more or less, according to the amount which the department contributed to the national income. In this way territory, numbers and wealth were represented equally.

Deputies were to be elected in three degrees. The taxpayers, in their primary assemblies, chose electors for the Commune, which was the political unit, and a square of about fifteen miles ; the communal electors sent their representatives to the department, and these elected the deputy. Those who paid no taxes were not recognized as shareholders in the national concern. Like women and minors, they enjoyed the benefit of government ; but as they were not independent, they possessed no power as active citizens. By a parallel process, assemblies were formed for local administration, on the principle that the right of exercising power proceeds from below, and the actual exercise of power from above.

This is mainly the measure which has made the France of to-day ; and when it became law, in December, the chief part of the new Constitution was completed. It had been the work of these two months, from August 4 to September 29. The final promulgation came two years later. No legislative instrument ever failed more helplessly than this product of the wisdom of France in its first parliamentary Assembly, for it lasted only a single year.

Many things had meanwhile occurred which made the constructive design of 1789 unfit to meet the storms of 1792. The finances of the State were ruined ; the clergy and the clerical party had been driven into violent opposition ; the army was almost dissolved, and war broke out when there was not a disciplined force at the command of Government. After Varennes, the king was practically useless in peace, and impossible in times of danger and invasion ; not only because of the degrada-

tion of his capture and of his imprisonment on the throne, but because, at the moment of his flight, he had avowed his hostility to the institutions he administered.

The central idea in the plan of September 29, the idea of small provinces and large municipalities, was never appreciated and never adopted. Sieyès placed the unit in the Commune, which was the name he gave to each of the nine divisions of a department. He intended that there should be only 720 of these self-governing districts in France. Instead of 720, the Assembly created 44,000, making the Commune no larger than the parish, and breaking up the administrative system into dust. The political wisdom of the village was substituted for that of a town or district of 35,000 inhabitants.

The explanation of the disastrous result is as much in the Court as in the Legislature, and as much in the legislation that followed as in the policy of the moment in which the great issues were determined, and with which we are dealing. No monarchical constitution could succeed, after Varennes ; and the one of which we are speaking, the object of the memorable conflict between Mounier and Sieyès, is not identical with the one that failed. The repudiation of the English model did not cause the quick passage from the Constitution of 1791 to the Republic. Yet the scheme that prevailed shows defects which must bear their portion of blame. Political science imperatively demands that powers shall be regulated by multiplication and division. The Assembly preferred ideas of unity and simplicity.

The old policy of French parliaments nearly suggested a court of revision ; but that notion, not yet visible in the Supreme Court of the United States, occurred to Sieyès long after. An effective Senate might have been founded on the provincial assemblies ; but the ancient provinces were doomed, and the new divisions did not yet exist, or were hidden in the maps of freemasonry.

Power was not really divided between the legislative and the executive, for the king possessed no resource against the majority of the Assembly. There was no

Senate, no initiative, no dissolution, no effective veto, no reliance on the judicial or the Federal element. These are not defects of equal importance ; but taken together, they subverted that principle of division which is useful for stability, and for liberty is essential.

The reproach falls not only on those who carried the various measures, but also on the minority that opposed them. Mounier encouraged the suspicion and jealousy of Ministers by separating them from the Assembly, and denying to the king, that is to them, the prerogative of proposing laws. He attributed to the absolute veto an importance which it does not possess ; and he frustrated all chance of a Second Chamber by allowing it to be known that he would have liked to make it hereditary. This was too much for men who had just rejoiced over the fall of the aristocracy. In order to exclude the intervention of the king in favour of a suspensive veto, he accepted the argument that the Constitution was in the hands of the Assembly alone. When Lewis raised a just objection to the decrees of August 4, this argument was turned against him, and the Crown suffered a serious repulse.

The intellectual error of the Democrats vanishes before the moral error of the Conservatives. They refused a Second Chamber because they feared that it would be used as a reward for those among them to whose defection they partly owed their defeat. And as they did not wish the Constitution to be firmly established, they would not vote for measures likely to save it. The revolutionists were able to count on their aid against the Liberals.

The watchword came from the Palace, and the shame of their policy recoils upon the king. Late in September one of his nobles told him that he was weary of what he saw, and was going to his own country. "Yes," said the king, taking him aside ; "things are going badly, and nothing can improve our position but the excess of evil." On this account Royer Collard, the famous *Doctrinaire*, said, in later times, that all parties in the Revolution were honest, except the Conservatives.

IX

THE MARCH TO VERSAILLES

THE French Revolution was approved at first by the common judgment of mankind. Kaunitz, the most experienced statesman in Europe, declared that it would last for long, and perhaps for ever. Speaking less cautiously, Klopstock said: "I see generations crushed in the struggle; I see perhaps centuries of war and desolation; but at last, in the remote horizon, I see the victory of liberty." Even at St. Petersburg the fall of the Bastille was hailed with frantic joy. Burke began by applauding. He would not listen to Tom Paine, who had been the inspirer of a revolution himself, and who assured him that the States-General would lead to another. He said, afterwards, that the Rights of Man had opened his eyes; but at Holland House they believed that the change came a few days earlier, when the Church was attacked. The Americans were not far from the opinion of Burke. By the middle of the summer Jefferson thought that all that was needful had been obtained. Franklin took alarm at the events of July. Washington and Hamilton became suspicious soon after.

For the September decrees were directed not only against the English model, but still more against the American. The Convention of 1787 had constructed a system of securities that were intended to save the Union from the power of unchecked democracy. The National Assembly resolutely swept every security away. Nothing but the Crown was left that could impede the direct operation of the popular will, or that could make the

division of powers a reality. Therefore the Liberal party looked to the king as much as the Conservative, and wished as much as they, and even more than they, to strengthen his hands. Their theory demanded a divided legislature. Having lost that, they fell back on Montesquieu, and accepted the division of legislative, executive, and judicial powers. These theoretic subtleties were unintelligible to the people of France. Men who were as vehement for the king in October as they had been vehement against him in June appeared to them to be traitors. They could not conceive that the authority which had so long oppressed them, and which it had required such an effort to vanquish, ought now to be trusted and increased. They could not convince themselves that their true friends were those who had suddenly gone over to the ancient enemy and oppressor, whose own customary adherents seemed no longer to support him.

Public opinion was brought to bear on the Assembly, to keep up the repression of monarchy which began on June 23. As the Crown passed under the control of the Assembly, the Assembly became more dependent on the constituencies, especially on that constituency which had the making of French opinion, and in which the democratic spirit was concentrated. After the month of August the dominant fact is the growing pressure of Paris on Versailles. In October Paris laid its hand on its prey. For some weeks the idea of escaping had been entertained. Thirty-two of the principal royalists in the Assembly were consulted, and advised that the king should leave Versailles and take refuge in the provinces. The late minister, Breteuil, the Austrian ambassador, Mercy, were of the same opinion, and they carried the queen with them. But Necker was on the other side.

Instead of flight they resolved upon defence, and brought up the Flanders regiment, whose Colonel was a deputy of the Left. In the morning the Count d'Estaing, who held command at Versailles, learnt with alarm that it had been decided to omit the health of the nation. The Prussian envoy writes that the officers of the Guards, who

passports were issued to intending *émigrés* in the two months following the fall of the Bastille.

The primary offender, responsible for subsistence, was the municipality of the capital; and their seat of office was the first object of attack. Early on the Monday morning a multitude of excited women made their way into the Hôtel de Ville. They wanted to destroy the heaps of papers, as all that writing did them no good. They seized a priest, and set about hanging him. They rang the tocsin, bringing all the trained battalions and all the ragged bands of the city to the Place de Grève. They carried away several hundreds of muskets, and some useless cannon; and they fetched torches, that they might burn the building to the ground. It was the headquarters of the elected municipality; but the masses were becoming conscious that they were not the Third Estate, that there was a conflict of interest between property and labour, and they began to vent their yet inarticulate rage upon the middle class above them. It presently appeared that these revolutionary heroines, knitting companions of the future guillotine, were not all infuriated or implacable. Parcels of banknotes that they took away were brought back; the priest was left unhung; the torches that were to have lighted the conflagration were extinguished without difficulty. They were easily persuaded that their proper sphere of action was Versailles, with its Assembly, that was able to do everything, and did nothing for the poor. They played the genuine part of mothers whose children were starving in their squalid homes, and they thereby afforded to motives which they neither shared nor understood the aid of a diamond point that nothing could withstand. It was this first detachment of invading women that allowed Stanislas Maillard to lead them away.

Maillard was known to all the town as a conqueror of the Bastille. Later, he acquired a more sinister celebrity. But on that 5th of October, as the calculating controller of dishevelled tumult, he left on those who saw him an impression of unusual force. Whilst he mustered his army in the Champs Elysées, and recruiting parties were sent

assembled people that the Court was about to move to Paris. Lewis, who had wandered, helpless and silent, between his chair and the balcony, spoke at last, and confirmed it.

In that moment of triumph Lafayette showed himself a man of instinct and of action. The multitude had sufficiently served his purpose; but their own passions were not appeased, and the queen personified to them all the antagonistic and unpopular forces. The submission of the king was a foregone conclusion: not so the reconciliation of the queen. He said to her, "What are your Majesty's intentions?" She answered, "I know my fate. I mean to die at the feet of the king." Then Lafayette led her forward, in the face of the storm, and, as not a word could be heard, he respectfully kissed her hand. The populace saw and cheered. Under his protectorate, peace was made between the Court and the democracy.

In all these transactions, which determined the future of France, the Assembly had no share. They had had no initiative and no counsel. Their President had not known how to prevent the irruption of the women; he had supplied them with bread, and had been unable to turn them out until the National Guard arrived. After two in the morning, when he heard that all was quiet at the Palace, he adjourned the sitting. Next day he proposed that they should attend the king in a body; but Mirabeau would not allow it to be done. One hundred deputies gave a futile escort to the royal family, and the Assembly followed soon after. The power was passing from them to the disciplined people of Paris, and beyond them and their commander to the men who managed the masses. Their reign had lasted from July 16 to October 6.

It took seven hours to bring the royal family from Versailles to Paris, at a foot pace, surrounded by the victorious women, who cried: "We bring the baker, the baker's wife, and the baker's boy." And they were right. Supplies became abundant; and the sudden change encouraged many to believe that the scarcity had not been due to economic causes.

to his honour, and retired obscurely. Mirabeau triumphed. He had opposed the *assignats* at first, although Clavière defended them in his newspaper. He now changed his attitude. He not only affirmed that the Church lands would be adequate security for paper, making it equivalent to gold, but he was willing that the purchase money should be paid in *assignats*, doing away with bullion altogether. But the cloven hoof appeared when he assured the king that the plan which he defended would fail, and would involve France in ruin. He meant that it would ruin the Assembly, and would enable the king to dissolve. The same Machiavellian purpose guided him in Church questions. He was at heart a Liberal in matters of conscience, and thought toleration too weak a term for the rights inseparable from religion. But he wished the constitutional oath to be imposed with rigour, and that the priests should be encouraged to refuse it. He declined to give a pledge that the Assembly would not interfere with doctrine, and he prepared to raise the questions of celibacy and of divorce in order to aggravate the irritation. He proposed to restore authority by civil war; and the road to civil war was bankruptcy and persecution. Meantime, the court of inquiry vindicated him from aspersions connected with the attack on Versailles; as chairman of the Diplomatic Committee, he was the arbiter of foreign policy; Necker and all his colleagues save one had gone down before him; he was elected President of the Jacobins in November, and when he asked for leave of absence, the Assembly, on the motion of Barnave, requested him not to absent himself. Montmorin, the only member of Necker's Ministry who remained at his post, made overtures to him, and they came to an understanding. The most remarkable of all the notes to the king is the one that records their conversation. They agreed on a plan of united action. Mirabeau thereupon drew up the 47th note, which is a treatise of constitutional management and intrigue, and discloses his designs in their last phase but one, at Christmas 1790.

Mirabeau never swerved from the fundamental convictions of 1789, and he would have become a republican

XI

SIEYÈS AND THE CONSTITUTION CIVILE

BEFORE coming to the conflict between Church and State, with which the legislation of 1790 closes, I must speak of a man memorable far beyond Mirabeau in the history of political thought and political action, who is the most perfect representative of the Revolution. I mean the Abbé Sieyès. As a priest without a vocation, he employed himself with secular studies, and mastered and meditated the French and the English writers of the age, politicians, economists, and philosophers. Learning from many, he became the disciple of none, and was thoroughly independent, looking beyond the horizon of his century, and farther than his own favourites, Rousseau, Adam Smith, and Turgot. He understood politics as the science of the State as it ought to be, and he repudiated the product of history, which is things as they are. No American ever grasped more firmly the principle that experience is an incompetent teacher of the governing art. He turned resolutely from the Past, and refused to be bound by the precepts of men who believed in slavery and sorcery, in torture and persecution. He deemed history a misleading and useless study, and knew little of its examples and its warnings. But he was sure that the Future must be different, and might be better. In the same disdainful spirit he rejected Religion as the accumulated legacy of childhood, and believed that it arrested progress by depreciating terrestrial objects. Nevertheless he had the confidence of Lubersac, Bishop of Tréguier, and afterwards of Chartres, who recommended him to the clergy of Montfort as their deputy.

of intruding forces, and he drew back into an attitude of reserve and distrust. Many of his measures were adopted, but he deemed that they were spoilt in the process, and that men who sought popular applause were averse from instruction.

Sieyès was essentially a revolutionist, because he held that political oppression can never be right, and that resistance to oppression can never be wrong. And he was a royalist, not as believing in the proprietary right of dynasties, but because monarchy, justly limited and controlled, is one of many forces that secure the liberty which is given by society and not by nature. He was a Liberal, for he thought liberty the end of government, and defined it as that which makes men most completely masters of their faculties, in the largest sphere of independent action. He was also a democrat, for he would revise the constitution once in a generation; and he described the law as the settled will of those who are governed, which those who govern have no share in making. But he was less a democrat than a Liberal, and he contrived scientific provision against the errors of the sovereign nation. He sacrificed equality by refusing the vote to those who paid no taxes, and he preferred an elaborate system of indirect and filtered election. He broke the direct tide of opinion by successive renewals, avoiding dissolution. According to his doctrine, the genuine national will proceeds from debate, not from election, and is ascertained by a refined intellectual operation, not by coarse and obvious arithmetic. The object is to learn not what the country thinks, but what it would think if it was present at the discussion carried on by men whom it trusted. Therefore there is no imperative mandate, and the deputy governs the constituent. He mitigated democracy by another remarkable device. The Americans have made the guardians of the law into watchers on the lawgiver, giving to the judiciary power to preserve the Constitution against the legislature. Sieyès invented a special body of men for the purpose, calling them the constitutional jury, and including not judges,

for he suspected those who had administered the ancient law of France, but the *élite* of veteran politicians.

Thus, although all power emanates from the nation alone, and very little can be delegated to an hereditary and irresponsible monarch, he intended to restrict its exercise at every point, and to make sure that it would never be hasty, or violent, and that minorities should be heard. In his sustained power of consistent thinking, Sieyès resembles Bentham and Hegel. His flight is low, and he lacks grace and distinction. He seems to have borrowed his departments from Harrington, the distilled unity of power from Turgot, the rule of the mass of taxpayers over the unproductive class above them, from the notion that labour is the only source of wealth, which was common to Franklin and Adam Smith. But he is profoundly original, and though many modern writers on politics exceed him in genius and eloquence and knowledge, none equal him in invention and resource. When he was out of public life, during the Legislative Assembly, he acted as adviser to the Girondins. Therefore he became odious to Robespierre who, after the fall of Danton, turned against him, and required Barère to see what he could be charged with. For, he said, Sieyès has more to answer for as an enemy to freedom than any who have fallen beneath the law.

The Abbé's nerves never quite recovered from the impressions of that time. When he fell ill, forty years later, and became feverish, he sent down to tell the porter that he was not at home, if Robespierre should call. He offered some ideas for the Constitution of 1795, which found no support. He patiently waited till his time came, and refused a seat on the Directory. In 1799, when things were at the worst, he came back from the embassy at Berlin, took the command, and rendered eminent service. He had no desire for power. "What I want," he said, "is a sword." For a moment he had thought of the Duke of Brunswick and the Archduke Charles; at last he fixed on Joubert, and sent him to fight Suworow in Italy. If he had come home crowned with victory,

political liberty to make the Court unpopular. People denounced the Austrian cabal, and the queen as its centre. It was believed that she wished to govern not only through the royal authority restored, but through the royal authority restored by foreign oppressors. The Revolution was confronted with Europe. It had begun its work by insurrection, and it had to complete its work by war. The beginning of European complications was the flight to Varennes.

Early in September the Constitution was presented to Lewis XVI. The gates were thrown open. The guards who were his gaolers were withdrawn. He was ostensibly a free man. If he decided to accept, his acceptance would be voluntary. The Emperor, Kaunitz, Malesherbes, advised him to accept. Malouet preferred, as usual, a judicious middle course. Burke was for refusal. He said that assent meant destruction, and he thought afterwards that he was right, for the king assented and was destroyed, Burke was not listened to. He had become the adviser of Coblenz, and great as his claims were upon the gratitude of both king and queen, he was counted in the ranks of their enemies. Mercy, who transmitted his letter, still extant in the archives of France, begged that it might not influence the decision. After ten days of leisurely reflection, but without real hesitation, for everything had been arranged with Lameth and Barnave, the leaders of the majority, Lewis gave his sanction to the Constitution of 1791, which was to last until 1792, and the National Assembly was dissolved. Political delinquents, including the accomplices of Varennes, received an amnesty.

By right of the immense change they made in the world, by their energy and sincerity, their fidelity to reason and their resistance to custom, their superiority to the sordid craving for increase of national power, their idealism and their ambition to declare the eternal law, the States-General of 1789 are the most memorable of all political assemblies. They cleared away the history of France, and with 2500 decrees they laid down the plan of a new world for men who were reared in the old. Their

institutions perished, but their influence has endured; and the problem of their history is to explain why so genuine a striving for the highest of earthly goods so deplorably failed. The errors that ruined their enterprise may be reduced to one. Having put the nation in the place of the Crown, they invested it with the same unlicensed power, raising no security and no remedy against oppression from below, assuming, or believing, that a government truly representing the people could do no wrong. They acted as if authority, duly constituted, requires no check, and as if no barriers are needed against the nation. The notion common among them, that liberty consists in a good civil code, a notion shared by so famous a Liberal as Madame de Staël, explains the facility with which so many revolutionists went over to the Empire. But the dreadful convulsion that ensued had a cause for which they were not responsible. In the violent contradiction between the new order of things in France and the inorganic world around it, conflict was irrepressible. Between French principles and European practice there could be neither conciliation nor confidence. Each was a constant menace to the other, and the explosion of enmity could only be restrained by unusual wisdom and policy.

The dissolution of the Whig party in England indicates what might be expected in the continental monarchies where there were no Whigs. We shall presently see that it was upon this rock, in the nature of things, that the Revolution went to pieces. The wisest of the statesmen who saw the evil days, Royer Collard, affirmed long after that all parties in the Revolution were honest, except the Royalists. He meant that the Right alone did wrong with premeditation and design. In the surprising revulsion that followed the return from Varennes, and developed the Feuillants, it was in the power of the Conservatives to give life to constitutional monarchy. That was the moment of their defection. They would have given much to save an absolute king: they deliberately abandoned the constitutional king to his fate.

The 1150 men who had been the first choice of France

XIV

DUMOURIEZ

AS the war was more often a cause of political events than a consequence, it will be convenient to follow up the progress of military affairs to the fall of Dumouriez, postponing the catastrophe of monarchy to next week.

On the 17th of February 1792 Pitt informed the House of Commons that the situation of Europe had never afforded such assurance of continued peace. He did not yet recognise the peril that lay in the new French Constitution. Under that Constitution, no government could be deemed legitimate unless it aimed at liberty, and derived its powers from the national will. All else is usurpation; and against usurped authority, insurrection is a duty. The Rights of Man were meant for general application, and were no more specifically French than the multiplication table. They were not founded on national character and history, but on Reason, which is the same for all men. The Revolution was essentially universal and aggressive; and although these consequences of its original principle were assiduously repressed by the First Assembly, they were proclaimed by the Second, and roused the threatened Powers to intervene. Apart from this inflaming cause the motives of the international conflict were indecisive. The emperor urged the affair of Avignon, the injury to German potentates who had possessions in Alsace, the complicity of France in the Belgian troubles, and the need of European concert while the French denied the foundations of European polity.

Dumouriez offered to withdraw the French troops from

European diplomacy at Frankfort, Marie Antoinette, acting through Fersen, disturbed their counsels. The queen understood how to control her pen, and to repress the language of emotion. But after June 20 she could not doubt that another and a more violent outrage was preparing, and that the republicans aimed at the death of the king. The terms in which she uttered her belief outweighed the advice of the sober Genevese. "Save us," she wrote, "if it is yet time. But there is not a moment to lose." And she required a declaration of intention so terrific that it would crush the audacity of Paris. Montmorin and Mercy were convinced that she was right. Malouet alone among royalist politicians expected that the measure she proposed would do more harm than good. Fersen, to whom her supplications were addressed, employed an *émigré* named Limon to draw up a manifesto equal to the occasion, and Limon, bearing credentials from Mercy, submitted his composition to the allied sovereigns. He announced that the Republicans would be exterminated, and Paris destroyed. Already Burke had written: "If ever a foreign prince enters into France, he must enter it as into a country of assassins. The mode of civilised war will not be practised; nor are the French, who act on the present system, entitled to expect it." Mallet du Pan himself had declared that there ought to be no pernicious mercy, and that humanity would be a crime. In reality, the difference between his tone and the fanatic who superseded him was not a wide one.

The manifesto, which proceeded from the queen, which had the sanction of Fersen, of Mercy, of Bouillé, was accepted at once by the emperor. The Prussians introduced some alterations, and Brunswick signed it on July 25. His mind misgave him at the time, and he regretted afterwards that he had not died before he set his hand to it. Mercy, when it was too late, wished to put another declaration in its place. The Prussian ministers would not suffer the text to be published at Berlin. They allowed the author to fall into poverty and obscurity. He had acted in the spirit of the *émigrés*.

On July 27 the Princes issued a declaration of their own, to the effect that not Paris only should suffer the extremity of martial law, but every town to which the king might be taken if he was removed from the capital. Breteuil, although he complained that the invaders exhibited an intolerable clemency, disapproved the second proclamation. But Limon demanded the destruction of Varennes, and the *émigrés* expected that severities should be inflicted on the population as they went along. The idea of employing menaces so awful as to inspire terror at a distance of 300 miles was fatal to those who suggested it; but the danger was immediate, and the consequences of inaction were certain, for the destined assailants of the Tuileries were on the march from Toulon and Brest. It was not so certain that the king would be unable to defend himself. The manifesto was a desperate resource in a losing cause, and it is not clear that wiser and more moderate words would have done better. The text was not published at Paris until August 3. The allies were too far away for their threats to be treated seriously, and they are not answerable for consequences which were already prepared and expected. But their manifesto strengthened the hands of Danton, assured the triumph of the violent sections, and suggested the use to which terror may be put in revolutions. It contributed to the fall of the monarchy, and still more to the slaughter of the royalists three weeks later. The weapon forged by men unable to employ it was adopted by their enemies, and served the cause it was intended to destroy.

The Declaration united the French people against its authors. The Republicans whom it threatened and denounced became the appointed leaders of the national defence, and the cause of the Republic became identified with the safety of the nation. In order to withstand the invasion, and to preserve Paris from the fate of Jerusalem, the army gave itself to the dominant faction. The royalist element vanished from its ranks. Lafayette made one last attempt to uphold the Constitution, but his men repulsed him. He went over to imperial territory.

to the Convention, and thirty-one priests. Tom Paine, though he could not speak French, was elected in four places. Two-thirds were new members, who had not sat in the previous assemblies. Four-fifths of the primary electors abstained.

The Convention began its sittings, September 20, in the Riding School, where the Législative had met; in the month of May 1793 it adjourned to the Tuileries. There were about fifty or sixty Jacobins. The majority, without being Girondins, were prepared generally to follow, if the Girondins led. Pétion was at once elected president, and all the six secretaries were on the same side. The victory of the Gironde was complete. It had the game in its hands. The party had little cohesion and, in spite of the whispered counsels of Sieyès, no sort of tactics. Excepting Buzot, and perhaps Vergniaud, they scarcely deserve the interest they have excited in later literature, for they had no principles. Embarrassed by the helpless condition of the Législative, they made no resistance to the massacres. When Roland, Condorcet, Gorsas, spoke of them in public, they described them as a dreadful necessity, an act of rude but inevitable justice. Roland, Minister of the Interior, had some of the promoters to dine with him while the bloodshed was going on, and he proposed to draw a decent veil over what had passed. Such men were unfit to compete with Robespierre in ruthless villainy, but they were equally unfit to denounce and to expose him. That was the policy which they attempted, and by which they perished.

The movement towards a permanent Republic was not pronounced, beyond the barrier of Paris. The constituencies made no demand for it, except the Jura. Two others declared against monarchy. Thirty-four departments gave no instructions; thirty-six gave general or unlimited powers. Three, including Paris, required that constitutional decrees should be submitted to popular ratification. The first act of the Convention was to adopt that new principle. By a unanimous vote, on the motion of Danton, they decided that the Constitution must be accepted by