

Redefining the Monarchiens: the Failure of Moderation in
the French Revolution

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Supervisory Committee

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Abstract

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The French Revolution continues to fascinate historians. The political culture which it is said to have spawned has recently become a particularly salient feature in its recent historiography. Many have argued that the discrepancy between the hopes that the Revolution initially generated and the destruction, war, and terror that followed was the inevitable result of this culture. Within this framework, the defeat of the constitutional proposals of the group of moderate politicians known as the Monarchiens has been portrayed as the Revolution's missed opportunity to avoid the violence of the Terror. Their most important proposals were for a bicameral legislature and strong royal authority. My thesis questions assumptions about the ideological coherence of the five most influential proponents of this model and the inevitability of their defeat. To do this, I will analyze the pre-revolutionary political careers of these men up to the defeat of their proposals in the summer of 1789, and demonstrate that their political proposals were contingent on the political context, often changing drastically to fit the demands of circumstance.

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Chapter I

The Monarchiens: Old Perspectives and New Debates

The historian Pierre Vidal-Naquet once wrote that history was not a tragedy, and that to understand historical reality, it was sometimes necessary not to know the end of the story.¹ Our understanding of the Monarchiens, the first political faction to fall into disrepute during the French Revolution, has long suffered due to our knowledge of their fate. Yet, these constitutional monarchists were among the leading men in the Revolution's early phases, reaching the height of their influence during the Estates General and the first months of the National Assembly, only to experience a precipitous decline in popularity and influence throughout the Revolution's constitutional debates. Their leaders were among the most influential *Patriotes* during the pre-revolution, one of their own initiated the Tennis Court Oath, and they composed half of the National Assembly's second constitutional committee, therefore having a considerable impact on the composition of the Declaration of Rights of Man and Citizen and the first French constitution. Yet for all their insistence on the establishment of a strong executive and a bicameral legislature, the Monarchiens lost the support of the majority of the National Assembly's deputies, and they have been depicted by historians as the men who ultimately failed to establish a British-style constitutional monarchy in the summer of 1789. Their ephemeral careers as revolutionaries have long kept them at the margins of most narratives of the Revolution. But, as historian Robert Griffiths averred in a recent article, this trend has been undermined and the Monarchiens have received more attention from historians since the 1980s than in the previous 190 years.²

¹ Pierre Vidal-Naquet, *Les Juifs, la mémoire et le présent* (Paris: Édition la Découverte, 1991), 87.

² Robert Griffiths, "The Legacy of the Monarchiens in Contemporary France," *European Legacy, toward New Paradigms: Journal of the International Society for the Study of European Ideas* 1 (1996): 84. Many biographies, however, have been written on Jean-Joseph Mounier, largely considered as the most important Monarchien. See Maurice d'Inis, Comte d'Hérisson, *Les Girouettes Politiques. Un Constituant, Jean-Joseph Mounier* (Paris: Ollendorff, 1892), Léon de Lanzac de Laborie, *Un Royaliste libéral en 1789, Jean-Joseph Mounier, sa vie politique et ses écrits* (Paris, E. Plon, Nourrit et cie, 1887), Christian Puel, *Un constituant, Jean-Joseph Mounier* (Bordeaux: Picquot, 1934), Xavier Roux, *Mounier, sa vie, son œuvre* (Grenoble : E. Baratier, 1888). Also see François Vermale, *Les complots monarchiens de Mounier après les 5 et 6*

It took the Revolution's bicentenary, in which François Furet's political-cultural emphasis rose to near-hegemony, to give the Monarchiens their due. At the heart of Furet's interpretation was the notion that conspiracy obsession was an inherent trait of a Jacobin political culture that equated dissent with treason and rendered the violence and persecution of the Terror its natural consequence.³ In an article co-written with Ran Halévi, Furet summarized this thesis with the argument that the Revolution's spirit had been entirely pronounced between June and October 1789.⁴ To an extent this perspective reflected a general desire in France to emphasize the Revolution's liberal achievements rather than the dreadful historical analogy often made between the Terror of 1793 and the Bolshevik Revolution of 1917, as well as a desire to shake off the legacy of left-right polemics associated with the Revolution's historiography.⁵ Given France's national mood at the time of the bicentenary it was understandable that Furet rose to veritable celebrity-status and was dubbed the “king of the Revolution” by the French media.⁶ The Monarchiens, being the most influential group for most of the period highlighted by Furet, have naturally received increasing attention from historians as a result of this general shift.

octobre 1789 (Grenoble: Arthaud, 1938). For a biography of Nicolas Bergasse, see Louis Bergasse, with an introduction from Etienne Lamy, *Un défenseur des principes traditionnels sous la révolution. Nicolas Bergasse, avocat au Parlement de Paris, député du Tiers états de la sénéchaussée de Lyon aus Etat-Généraux (1750-1832)* (Paris: Perrin, 1910). Only three major studies have been entirely dedicated to the Monarchiens as a group: Jean Egret's *La révolution des notables: Mounier et les monarchiens* (Paris: A. Colin, 1950); Charles Du Bus' *Stanislas de Clermont-Tonnerre et l'échec de la Révolution monarchique (1757-1792)* (Paris: F. Alcan, 1931); and Robert Griffiths's *Le Centre perdu: Malouet et les « monarchiens » pendant la Révolution française* (Grenoble: Presses universitaires de Grenoble, 1988).

³ François Furet, *Penser la Révolution française* (Paris: Gallimard, 1978), *passim*.

⁴ François Furet and Ran Halévi, “L'année 1789,” in *Annales: E.S.C.* 44 (1989), 17. All translations are my own unless noted.

⁵ Griffiths, “The Legacy of the Monarchiens in Contemporary France,” 84.

⁶ See Steven Laurence Kaplan, “Vive le roi,” *Farewell, Revolution: The Historians' Feud, France, 1789/1989* (Ithaca: Cornell University Press, 1995).

While acknowledging a debt to earlier studies of the Monarchiens,⁷ this study will address a subject that has not been sufficiently treated: the history of the Monarchiens before the Revolution's outbreak, and the link, or lack thereof, between their pre-revolutionary politics and their constitutional proposals. Important studies have demonstrated the evolution of the group's political thought,⁸ but have not assessed their politics within the context of *Ancien Régime* politics, and particularly the struggles between royal authority and the *parlements*. My main goal will be to answer questions that were prompted by reading Jean Egret's *La révolution des notables* (1956) and Griffiths' *Le centre perdu*: should the Monarchiens' constitutional proposals be considered the work of Anglophiles inspired by Montesquieu, or of heirs of a long and diverse tradition of centralizing reformers that spanned the times of Richelieu to Turgot, or does neither category fit? Were the Monarchiens supporters of the *Thèse Nobiliaire*, in which the great aristocratic families through the *parlements* shared sovereignty with France's king, or of the *Thèse Royale*, in which sovereignty was held exclusively by a king whose will was absolute? Can the answers to such questions shed light on the Monarchiens' sudden fall from grace during the constitutional debates of 1789? If not, what other factors may have affected their defeat? And finally, were their constitutional proposals in the summer of 1789 as uniform as commonly supposed? By analysis of the pre-revolutionary lives of the Monarchiens up to the constitutional debates, and by reconsideration of their politics in light of the competing *thèses*, the above questions will be explored.

But the answers to these questions may vary depending on whom we consider Monarchiens. In the historiography, the Monarchiens are broadly understood as the deputies who supported

⁷ Particularly Robert Griffiths' work on Malouet, and Jean Egret's work on Mounier.

⁸ Griffiths, *Le centre perdu*, *passim*. Also, Guillaume Bacot, "Les fondements juridiques des constructions politiques des monarchiens," *Revue de la recherche Juridique: Droit Prospectif* 3 (1991), 607-51.

bicameralism and the absolute royal veto. The supporters of the former measure included at least the 89 deputies of the National Assembly who voted for the measure on 10 September 1789, while the supporters of the latter included 325 deputies. Assuming all of the 89 deputies who voted for bicameralism also voted for the veto, this gives us a maximum of 89 deputies that potentially fit the mold of Monarchiens. No record, unfortunately, was kept of who voted for which measure. To further complicate matters, the moniker 'Monarchiens' was not used until 1791, nearly two years after these votes were taken.

So how to narrow the list? Several criteria for selection have been used: their influence and prestige throughout the pre-revolutionary period, the frequency of their interventions in the Estates General and National Assembly, their promotion of the measures in writing prior to the September votes, and their election to important posts in the National Assembly. Moreover, the composition of a so-called 'central committee' of 21 supporters of their measures who in August 1789 attempted systematically to drum up support has also been a factor.⁹ Based on the above criteria, five deputies have been chosen as most representative of the group: Jean-Joseph Mounier, Trophime Gérard, Comte de Lally-Tollendal, Stanislas, Comte de Clermont-Tonnerre, Pierre-Victor Malouet, and Nicolas Bergasse. More than any other known supporters of the Monarchiens' constitutional measures do these five individuals fit the description of the Monarchiens' leaders.¹⁰

⁹ The supposed central committee was composed of Jean-Joseph Mounier; Pierre Victor Malouet; François-Henry, Comte de Virieu; Antoine-Marie Pacard; l'abbé Antoine Mathias; Noël-Joseph Madier de Montjau; Pierre-Antoine Durget; Pierre-Joseph de Lachèze; Claude Redon; Jean-Félix Faydel; Pierre-Suzanne Deschamps; Jean-François-César de Guilhermy; Jean-Louis Henry de Longuève; Gaspard-Claude-François de Chabrol; Constantin Tailhardat de la Maisonneuve; Amable-Gilbert Dufraisse-Duchey; Claude-François-Adrien, marquis de Lezay-Marnésia; Trophime-Gérard, Comte de Lally-Tollendal; César-Guillaume de La Luzerne; Stanislas-Marie-Adelaide, Comte de Clermont-Tonnerre; and Nicholas Bergasse. For more on the central committee, see Griffiths, *Le centre perdu*, Chapter V, "L'identité des Monarchiens, 1789-1791," 105-128, and p. 67.

¹⁰ See appendix I for more information on how these deputies were selected.

The following section is a survey of the Monarchiens' place in the historiography of the French Revolution. For the earlier works, the basis for selection was their focus on the Estates General and the constitutional debates of July to September 1789, and their level of influence at the time of their publication and on subsequent work. It is unlikely that any studies are fully representative of their era, but prior to the professionalization of revolutionary studies, three works represent the Revolution's relationship to contemporary events: Madame de Staël's apologetic work, which reflected liberal fears of reaction throughout the Restoration era, Jules Michelet's heroic and glorified study written in light of the late July Monarchy's political discontent, and Hippolyte Taine's apocalyptic account written shortly after his experience of the violence of the Paris Commune. The next section will focus on the historians of the Sorbonne. Their work should be included in nearly any survey of the French Revolution's history, though many of their interpretations have been discredited, as they dominated the field for nearly a century and influenced generations of scholars. Discussion will then shift to a group of disparate historians whose focus has been on the Monarchiens as a group, the first being Charles Du Bus' study of Clermont-Tonnerre, the second Jean Egret's study of Mounier, and the third Robert Griffiths' study of Malouet. Finally, we will turn to recent debates, analyzing the Monarchiens' place in the arguments of two revisionist streams, and that of post-revisionists.

Almost invariably, the Monarchiens' positioning as politicians was highlighted at the expense of their political ideas, with those who ostensibly supported the Revolution writing of the group positively, while those who opposed the Revolution wrote negatively. Until recently, very few authors have attempted a systematic examination of their political thought, and often those who have done so

have for the most part failed to differentiate between the thought of one member and the thought of the group as a whole.

Madame de Staël's *Considérations sur la Révolution française* (1818) was noticeably shaped by how she perceived the Revolution *should have* unfolded: it should have been aristocratically led; it should have been inspired by the constitution; it should have established an independent king with the right to sanction all legislation; and it should have established a bicameral legislature with an elected lower house and an upper house modelled on the House of Peers. The Revolution had gone off-course for a multitude of reasons, but above all due to the aristocracy's betrayal and intransigence, which allowed undesirable democratic elements to take control. The leitmotifs of the *Considérations* are the relentless praise of de Staël's father Jacques Necker¹¹ and of the British constitution.¹² She never used the term Monarchiens, however, and referred to our constitutional monarchists as “the Third Estate's conciliatory wing,” led by Mounier and Malouet, whom she contrasted favourably with the confrontational Mirabeau and Sieyès.¹³

De Staël described Mounier as “the leader of the calm and calculated insurrection of the Dauphiné; a passionately reasonable man; more enlightened than eloquent, always firm and constant in his route as long as it was possible to choose one.”¹⁴ Of Malouet, she wrote: “always being guided by his conscience, no matter the situation. I've never met a soul as pure as his; if he had any faults, it was that he always went through life without mixing with other men, always relying on demonstrations of

¹¹ Anne-Louise-Germaine de Staël, *Considérations sur la Révolution française. Introduction, Bibliographie, chronologie, et notes par Jacques Godechot* (Paris: Tallendier, 1983), 151-152.

¹² For brief summaries of de Staël's *Considérations*, see André Jardin, *Histoire du libéralisme politique: de la crise de l'absolutisme à la Constitution de 1875* (Paris: Hachette littérature, 1985), 198-210, and Louis Girard, *Les Libéraux Français: 1814-1875* (Paris: Aubier, 1985.), 34-39.

¹³ De Staël, 146-147.

¹⁴ *Ibid.*, 147.

truth, without ever trying to introduce his opinions into the conviction of others.”¹⁵ Described as the moderates' third leader, Lally-Tollendal was likewise praised: “a grand citizen [. . .] whose eloquence defended the cause of his father, of his nation, and of his king. Lally's strong reasoning never let his enthusiasm lead him astray from the truth.”¹⁶ In her narration of the constitutional debates, de Staël lauds these three as the Assembly's purest, most conscientious, and courageous deputies, and attributes their defeat to the intrigues of intransigent aristocrats and to the *Patriotes'* impolitic resistance.¹⁷ Nonetheless, the Monarchiens occupy a surprisingly brief portion of her book despite their supposed push for the British-modelled constitution incessantly praised by de Staël due to the constant exalting of her father.¹⁸ Further, she admired them because of their support of bicameralism and the absolute veto, and for their moderation, but she made no effort to analyze their political thought.

Perhaps the greatest romantic rendition of the Revolution was Jules Michelet's *Histoire de la Révolution française* (1847), in which the author depicted the Revolution as the culmination of French history. For Michelet, the Revolution was made by the people, not by politicians, and reached its apogee between the fall of the Bastille and the night of 4 August, when for the first time in the history of mankind a nation reached a perfect state of unity and harmony.¹⁹ Ruined by the violent attempt to save itself from its enemies, the Revolution was sadly remembered by most for the Terror: “The terrible, violent efforts, which it [the Revolution] was forced to make, in order to save itself from

¹⁵ Ibid.

¹⁶ Ibid., 164.

¹⁷ Ibid., 193.

¹⁸ From p. 139 (The opening of the Estates General) to p. 206 (the October Days) Malouet, Lally-Tollendal, and Mounier are referred to only eleven times.

¹⁹ For a summary of Michelet's *Histoire de la Révolution française*, see Lionel Gossman, “Michelet and the French Revolution,” in *Representing the French Revolution: Literature, Historiography, and Art*, ed. James A.W. Hefferman (Hanover, NH: UP of New England, 1992); and Gordon Wright's “Introduction” to Jules Michelet's *History of the French Revolution*, trans. by Charles Cocks (Chicago: University of Chicago, 1967).

conspirators, was taken as the Revolution itself by a forgetful generation.”²⁰ His purpose for writing a history of the Revolution, then, was to remind France of the positive changes that revolutions could bring.

From the opening of the Estates General to the October Days, Michelet made several derisive passing references to the Monarchiens' leaders. The first was in his account of the debates of 17 June, when he contemptuously called Mounier and his followers “the imitators of the English government,”²¹ and Malouet the “leader of the screaming and obstinate deputies”²² who opposed the adoption of the title of the National Assembly. He continued by contrasting Mounier's motion to that of Sieyès, evidently favoring that of the latter, whose pamphlet *Qu'est-ce que le tiers-état?* had done more for the cause of the people against the aristocratic order than any other. He then described Mounier as “the lawyer of the propertied against the population, of the earth against men. [Mounier had] a feudal point of view, English, and materialistic; Sieyès had given the true French formula.”²³ Michelet's esteem of the British was extremely low, and he described the Monarchiens as the servile imitator of the former. Moreover, he considered their attempt to build a constitution dependent on the rule of what he perceived as a hostile and treacherous court as futile and contrary to the Revolution's spirit.²⁴

In his further depictions of the Monarchiens, Michelet was particularly critical of Lally-Tollendal's propensity to infuse his speeches with emotional overtones, and described him as an Irish

²⁰ Jules Michelet, ed. Gérard Walter, *Histoire de la Révolution française, édition établie et annotée par Gérard Walter* (Paris: Gallimard, 1952), 2.

²¹ *Ibid.*, 103. Discussing the debates surrounding the adoption of the title of National Assembly, Michelet referred to the Monarchiens as: “Mounier et les imitateurs du gouvernement anglais.”

²² *Ibid.*, 105.

²³ *Ibid.*, 106.

²⁴ *Ibid.*, 129.

enthusiast, as having easy tears, and as “the fattest of sensible men.”²⁵ He criticized Lally for attempting to whitewash the *Ancien Régime's* crimes and for insincerely embracing the Parisian populace in his account of the National Assembly's deputation to Paris on 15 July.²⁶ In another passage on the Monarchiens, Michelet rebukes Burke and Great Britain for condemning revolutionary violence, and rhetorically asks - what they would have done - in a similar situation?²⁷ His answer was: “Undoubtedly what Lally-Tollendal, Mounier, and Malouet had proposed in the days surrounding 22 July; they wanted to give the king enough power to restore order; Lally put all his trust in the king's virtue, Malouet wanted to beg the king to use his power to forcibly restore order. The king armed and the people without protection.”²⁸ Ultimately for Michelet, the Monarchiens were a homogeneous group of interlopers whose ineffective attempts to halt the Revolution were not only unrealistic but also ill-intentioned.

Written in light of his experiences with the violence of the Paris Commune, Hippolyte Taine's *Origines de la France contemporaine: la Révolution* (1881) depicted the Revolution as invariably evil and the revolutionaries as the scourge of the earth. According to Taine, 1789 was perfectly summed up in the following simile: a man walks down the street, a little weak in constitution, but otherwise well-behaved and quite peaceful. Another man approaches and offers him a beverage, which he accepts, drinks, and falls to the ground, foaming at the mouth and behaving like a lunatic.²⁹ The peaceful man was the *Ancien Régime*, the drink was the Enlightenment, and the result was the French Revolution. Taine's main theme was the pernicious consequence of popular participation in politics, which

²⁵ Ibid., 168-169.

²⁶ Ibid., 169.

²⁷ Ibid., 190-191. “Qu'auriez-vous faits?”

²⁸ Ibid., 191.

²⁹ Quoted from Alfred Cobban, “Hippolyte Taine, Historian of the French Revolution,” *History* 53 (1968), 340. Cobban refers to Taine as “perhaps the greatest of bad historians.”

inevitably led to anarchy, chaos, and a frenzy of violence, and the Revolution was but the dangerous consequence of mixing the evil and irreparable nature of humans with the ideas of Rousseau and the demagoguery of the Jacobins.³⁰

Not surprisingly, the Monarchiens were praised throughout the work. Deploring the deputies' lack of experience, Taine wrote: "Not one *intendant* [within the National Assembly], with the exception of Malouet, and based on his superiority, being the Assembly's most judicious deputy, we can judge the services his colleagues in the ministry may have rendered to the nation."³¹ In a further passage, he extolled Malouet as "the most moderate liberal man, as well as the man with the firmest heart and spirit."³² Likewise, Mounier is described as the demagogues' main opponent in the Assembly, a noteworthy compliment considering Taine's scorn for agitators.³³ Further, in his account of the constitutional debates, Taine described the small, powerless group of men surrounding Malouet and Mounier as the only deputies in the Assembly who heeded the warnings of the Americans and Britons, who were themselves the only men with experience in free political institutions.³⁴ Taine was therefore primarily concerned with the Monarchiens' attempt to halt the Revolution, which he admired, rather than the substance of the polity they wanted to establish.

Next, we will consider the first historians of the Revolution to be considered 'scientific': the professors at the Sorbonne. The first of these, Alphonse Aulard, was ideologically Taine's diametric opposite. By the mid 1880s France had stabilized, and politicians sought to recast the Third Republic's political accomplishments as the consummation of the French Revolution. Henceforth, the Revolution

³⁰ For a summary of Taine's *Origines de la France contemporaine: la Révolution*, see Cobban, "Hippolyte Taine, Historian of the French Revolution."

³¹ Hippolyte Taine, *Les origines de la France contemporaine*, vol. 2, *la Révolution* (Paris: Hachette, 1881), 154.

³² *Ibid.*, 172.

³³ *Ibid.*, 165.

³⁴ *Ibid.*, 159.

was to be studied academically, grounded in the scientific historical methodology that differed from the earlier nineteenth century's literary and romantic works.³⁵ Aulard, a passionate partisan of the secular and democratic Third Republic, had showcased his writing abilities in his *Éloquence parlementaire pendant la Révolution française* (1882),³⁶ and was subsequently assigned to teach the newly-created course on the French Revolution at the Sorbonne in 1885.³⁷ In 1889, the year of the Revolution's centenary, Aulard was assigned the first Chair of Revolutionary studies at the Sorbonne and became the quasi-official state historian.³⁸

The Monarchiens were first depicted by Aulard in his *Éloquence*, in a chapter entitled “The Centre-right.” Aulard identified Malouet, Mounier, Bergasse, Clermont-Tonnerre, and Lally-Tollendal as the group's orators and guides, and argued that their politics were directly inspired by Montesquieu's *Esprit des Lois*, particularly the chapter “*De la constitution d'Angleterre*.”³⁹ Aulard proceeded to describe them as insincere revolutionaries, as pusillanimous, and as more interested in promoting the interests of the monarchy than that of the Nation.⁴⁰ “In reality,” Aulard wrote, “they wanted reforms, not a revolution [. . .] With the taking of the Bastille, their liberalism crumbled. They were afraid. They wanted it [the Revolution] contained. They wanted to stop the Revolution. Fear is at the heart of all of their politics.”⁴¹

³⁵ See James Friguglietti and Robert I. Weiner. “Alphonse Aulard and the Politics of History.” *Proceedings of the Annual Meeting of the Western Society for French History* 15 (1988), 379-387.

³⁶ The Monarchiens fill 53 of 550 pages.

³⁷ Friguglietti and Weiner, “Alphonse Aulard and the Politics of History,” 380.

³⁸ Gary Kates, ed., *The French Revolution: Recent Debates and New Controversies*, 2nd ed. (London, New York: Routledge, 2002), 2.

³⁹ Alphonse Aulard, *L'éloquence parlementaire pendant la Révolution française: les orateurs de l'Assemblée constituante* (Paris: Hachette, 1882), 323, 326.

⁴⁰ *Ibid.*, 326.

⁴¹ *Ibid.*

In his *Histoire politique de la Révolution française* Aulard glorified the triumph of democratic republicanism over a monarchical form of government. However, he deplored revolutionary violence while nonetheless justifying it for enabling the nascent and vulnerable First Republic to survive despite a plethora of internal and external threats.⁴² In this work Aulard again showed hostility towards the Monarchiens, but in a much more subtle manner than in his earlier work. For instance, Aulard described the Monarchiens as “an entire party” with the goal of establishing an upper chamber to protect and empower the ancient nobility.⁴³ Their overarching goal, Aulard continued, was to maintain the old order, with all its vices. Nonetheless, he acknowledged that the Monarchiens had indirectly contributed to the establishment of the First Republic. The monarchist Mounier,⁴⁴ for instance, had unconsciously planted republican seeds with his contributions to the Declaration of the Rights of Man and Citizen and in his capacity as member of the constitutional committee; the two documents, despite their monarchical appearance, were of an inherently republican character.⁴⁵ In the end, Aulard's analysis of the Monarchiens was entirely based on their opposition to the political values that the Third Republic was claiming to embody.

Albert Mathiez, a former student of Aulard and his successor at the Sorbonne as Chair of Revolutionary studies in 1928, undertook a multitude of groundbreaking studies of the Revolution. He founded the *Société d'études Robespierriennes* and its publication, the *Annales historiques de la*

⁴² For summaries of Aulard's view of the Revolution, see James Friguglietti, and Martin E. Schmidt, “Alphonse Aulard: Radical Historian of the Radical Republic,” *Proceedings of the Annual Meeting of the Western Society for French History* 14 (1987), 239-248; and Torbjorn Wandel, “The History of the Past and the History of the Present: Alphonse Aulard's *Histoire politique de la Révolution française*,” *Proceedings of the Annual Meeting of the Western Society for French History* 28 (2002), 291-300. For Aulard as chair of Revolutionary studies at the Sorbonne, see Claudine Wolikow, “Aulard et la transformation du cours en chaire d'histoire de la Révolution française à la Sorbonne,” *Annales historiques de la Révolution française* 286 (1991), 429-458.

⁴³ Alphonse Aulard, *Histoire politique de la Révolution française* (Paris: Armand Colin, 1901), 559.

⁴⁴ *Ibid.*, 58 (footnote text).

⁴⁵ *Ibid.*, 12, 43.

Révolution française, still the most influential journal dedicated entirely to the study of the French Revolution. However, prior to Mathiez's ascendancy, a heated feud had developed between himself and Aulard, primarily over his old master's disparaging treatment of Robespierre, whom Mathiez considered the Revolution's quintessential figure and the forefather of French socialism. Much of Mathiez's work bore the imprint of this feud. Apart from the polemics, his historical writings were shaped by two main characteristics: Jean Jaurès' thesis that the Revolution was a class struggle, and an emphasis on the Revolution's military aspects, spurred by France's experience in World War I.⁴⁶

In Mathiez's *Révolution française* (1928), the Monarchiens' role in the National Assembly was depicted as one of interference: above all, they wanted to preserve as much of the moribund *Ancien Régime* as possible. The constitutional proposals of Mounier and Lally-Tollendal, for Mathiez, stemmed from their social conservatism,⁴⁷ and were rightfully denounced as a spurious attempt to preserve the aristocracy's power and reinstate monarchical despotism.⁴⁸ Mathiez considered the Monarchiens opponents of the Revolution through and through, rather than moderate revolutionaries, aiming to halt its progress towards the creation of an equitable society. Their main concern became the prevention of popular disorder, which they associated with the lower classes' participation in politics. As the opponents of popular politics they were naturally treated with disdain by Mathiez, and this was enough to discard their political thought as superficial and wholly dependent on their will to perpetuate the *Ancien Régime*'s injustice.

⁴⁶ For summaries of Mathiez's career and work, see Friguglietti's "Albert Mathiez: an "Historian at War," *French Historical Studies* 7 (1972), 570-586, and *Albert Mathiez, historien révolutionnaire (1874-1932)* (Paris: Société des Études Robespierriennes, 1974), *passim*.

⁴⁷ Albert Mathiez, *The French Revolution*, trans. by Catherine Alison Phillips (New York: A.A. Knopf, 1928), 60-62.

⁴⁸ *Ibid.*

Georges Lefebvre was another important historian who held the Chair of Revolutionary studies at the Sorbonne and the founder of the *Institut d'Histoire de la Révolution française*. Extremely well-rounded, Lefebvre produced studies whose focuses ranged from the collective psychology of peasants to political history. His most influential book is undoubtedly *Quatre-vingt-neuf* (1939),⁴⁹ a synthesis of the Revolution's origins that traced the development of four autonomous revolutions (peasant, popular, bourgeois, and aristocratic) which coalesced in 1789 to produce *the* French Revolution. As his framework suggests, Lefebvre conceptualized the Revolution as a class struggle.⁵⁰

In his *Révolution française*, Lefebvre succinctly summarized his view of the Monarchiens in a paragraph worth quoting in full, as it is his only reference to the Monarchiens in the book:

“A few liberal nobles, parish priests, and some bourgeois holding either manorial rights or public offices joined forces to halt the Revolution by coming to terms with the king and the aristocracy. To Louis [XVI] they would grant the legislative sanction which Necker had stipulated in June and for the aristocracy they would create an upper house, which he had also mentioned before. This group comprised those called 'anglomanes' or 'monarchiens.' Among them were Lally-Tollendal, Clermont-Tonnerre, and Malouet, and they were supported by Mirabeau on the veto. Duport, Alexandre de Lameth, and Barnave – the 'triumvirate' – then assumed direction of the patriot party. Victory was theirs: on 10 September bicameralism was rejected; on the following day a suspensive veto was granted the king in legislative matters, with the understanding – as was made clear to Necker – that Louis would in return tacitly renounce the royal sanction of the constitution by approving the August decrees.”⁵¹

Lefebvre thus considered the Monarchiens as men who had benefited from the old social order and who attempted to halt the Revolution's progress to further their self-interests. Their constitutional proposals

⁴⁹ The work was translated by R.R. Palmer and published in 1949 as *The Coming of the French Revolution* (Princeton, N.J.: Princeton University Press, 1949).

⁵⁰ For a summary of Lefebvre's historical career, see Richard Cobb, “Georges Lefebvre,” in his *A Second Identity: Essays on France and French History* (London: Oxford University Press, 1969), 84-100.

⁵¹ Georges Lefebvre, *La Révolution française* (Paris: Presses Universitaires de France, 1957), 142.

were dismissed as bargains struck with the declining order: the veto to save the king, the upper house to save the aristocracy.

Taken as a whole, the Sorbonne historians' most notable traits were their commitment to a socioeconomic, and usually Marxist, interpretation of the French Revolution, and the belief that the Revolution was essentially good. They considered several aspects of the Revolution as deplorable, but necessary nonetheless. For them, the Monarchiens had tried to halt the Revolution in the summer of 1789, and seemed to oppose the political emancipation of the lower classes. The Monarchiens' opposition to a *tabula rasa* and their unwillingness to compromise property made them reactionaries in the eyes of Marxists. Until the interwar period, however, historians of the Revolution across the political spectrum held another thing in common: no one considered them relevant enough to the Revolution to warrant a detailed study as a group.

The first work that sought to change this situation was Charles Du Bus' *Stanislas Clermont-Tonnerre et l'échec de la révolution monarchique* (1931), a book whose avowed purpose was to explain the failings of Montesquieu's moderate monarchy and to shed light on the rejection of conciliation.⁵² Despite its stated goals, the book is more of a biography of Clermont-Tonnerre, described by Du Bus as the moderates' leader and as representative of the monarchical and constitutional party.⁵³ Du Bus made no effort to hide his opposition to and regret of the Revolution, and throughout treated Clermont-Tonnerre contemptuously for being a moderate, making remarks such as: "Irresolute, inexperienced, enthusiastic, and devoted to novelties. Here was all of Stanislas."⁵⁴ Clermont-Tonnerre was scathingly criticized for what Du Bus called his naive belief in liberty, his tolerance, and his liberal attitude: it was

⁵² Du Bus, *Stanislas Clermont-Tonnerre et l'échec de la révolution monarchique*, vi.

⁵³ *Ibid.*, 110.

⁵⁴ *Ibid.*, vii.

ruthless force, not compromise, which was needed during the Revolution's early phase.⁵⁵ Evidently, Clermont-Tonnerre's liberalism and moderation made him a traitor in the eyes of the only potential allies with enough strength to halt the Revolution: the court and the aristocracy.⁵⁶ This liberalism, moreover, was considered by Du Bus as the result of the caprices of a juvenile noble whose unsuccessful bid for a position as royal ambassador was responsible for his opposition to royal authority: “unhappy with a court that rejected him, though attached to the king and the state, he wants a revolution for the fun of it.”⁵⁷ Since Du Bus effectively equated Clermont-Tonnerre with the Monarchiens, they were for him essentially politicians frustrated by their own failings, who opposed the court in a childish bid for revenge.

Du Bus, like most of the aforementioned historians, considered the Monarchiens' political ideas as essentially British, adding sarcastically: “Clermont-Tonnerre surpassed this English-speaking world. But he too spoke English, like his friends, and thought that France begged him to start a language course so that it too, could learn to speak English.”⁵⁸ He referred to the Monarchiens as the Anglophiles, equating the defeat of their constitutional proposals with the defeat of Great Britain,⁵⁹ and averred that they wanted to transform Louis XVI into a naturalized Englishman.⁶⁰ As such, the Monarchiens' attempt to replace French institutions with British forms of government were bound to fail. Despite the work's pronounced bias, Du Bus' book is the only full-length study dedicated to Clermont-Tonnerre available, and is therefore an indispensable starting point for any study of the Monarchiens.

⁵⁵ Ibid.

⁵⁶ Ibid., viii.

⁵⁷ Ibid., 114.

⁵⁸ Ibid.

⁵⁹ Ibid., 116-117.

⁶⁰ Ibid., 121.

The second major study published on the Monarchiens was Jean Egret's *Révolution des notables: Mounier et les 'monarchiens'* (1950). The work is less a biography than a political history, but focuses primarily on Mounier, who is depicted as the pragmatic and perspicacious leader of the Monarchiens. Egret argued that Mounier's politics were not shaped by philosophy, but first by his opposition to Calonne's ministerial reforms, then by the nobility's intransigence, and finally by his opposition to radicalism.⁶¹ Mounier and the Monarchiens' moderate proposals for reform were not doomed from the start, but suffered due to the May deadlock in the Estates General⁶² and Louis XVI's questionable behaviour and motives,⁶³ which made it extremely difficult to placate the Assembly's radicals.

In his analysis of Mounier's political ideology, Egret saw Montesquieu as an overwhelming influence, particularly his famous chapter in the *Esprit des Lois* on the constitution. Mounier wanted to introduce this system of checks and balances in France, but with certain important changes such as the equality of all before the law. For Egret, the British nature of these ideas clashed directly with those of Sieyès and remained a source of tension throughout the summer of 1789,⁶⁴ exacerbated by the division within the constitutional committee that pitted Mounier, Clermont-Tonnerre, Champion de Cicé, Bergasse, and Lally-Tollendal against Sieyès, Le Chapelier and Talleyrand.⁶⁵ But as Du Bus had done with Clermont-Tonnerre, Egret tended to equate Mounier's politics with those of the Monarchiens, although he acknowledged that Mounier had many close and indispensable allies, such as Malouet and Lally-Tollendal. He failed, however, to make an effort to analyze systematically the differences

⁶¹ Jean Egret, *Révolution des notables: Mounier et les 'monarchiens'*, 9-24; 60; 122.

⁶² *Ibid.*, 60.

⁶³ *Ibid.*, 84-92.

⁶⁴ *Ibid.*, 32-34.

⁶⁵ *Ibid.*, 111.

between these deputies and Mounier, and consequently perpetuated the perception of the Monarchiens as an homogeneous group.

Since these two earlier works, the Monarchiens have been the focus of another full length monograph: Robert Griffiths' *Le Centre perdu: Malouet et les "monarchiens" dans la Révolution française* (1988). This study, like the previous two, focused primarily on one member of the group, and like Egret's book, was a political history. In his introduction, Griffiths criticized historians' traditional use of the term Monarchiens as applied to the partisans of bicameralism and the absolute veto in 1789. He showed that the term 'Monarchiens' was first used derisively by the antagonists of the *Club des Impartiaux* and the *Club Monarchique*. The primary aims of these two clubs, who were under the leadership of Malouet and Clermont-Tonnerre, were to counter the rising tide of Jacobinism and to reinforce royal authority against the Assembly's onslaught, as bicameralism had largely been dropped from their programs when the term became current.⁶⁶

Griffiths equated the moniker Monarchiens, not used until 1791, to royal ministers such as Maupeou and Calonne whose reforms had been opposed by the *parlements*. For contemporaries, he continued, the Monarchiens were the heirs of these centralizing reformers.⁶⁷ Griffiths thus argued that the definition of the Monarchiens as Anglophiles and partisans of British parliamentary politics was anachronistic and imposed by the historians of the Third Republic, and that rather the Monarchiens were partisans of enlightened despotism.⁶⁸ Further, he argued that Malouet, not Mounier, was most representative of the group as he was extremely active in the constitutional debates of July to September 1789, remained active in Parisian politics until 10 August 1792, and stayed at the heart of a

⁶⁶ Griffiths, *Le centre perdu*, 9-24.

⁶⁷ Griffiths, *Le centre perdu*, 14-15.

⁶⁸ *Ibid.*, 14, 17.

loose group of moderate *émigrés* throughout the revolutionary decade.⁶⁹ Nonetheless, he qualified his argument by noting that the Monarchiens subordinated philosophical dogma to the circumstantial demands of politics, and that British and French ideological influences were therefore not necessarily mutually exclusive.⁷⁰

Most significant was *Le centre perdu's* third chapter, which focused on the Monarchiens' role throughout the constitutional debates. Griffiths's main argument here was that the alliance among Mounier, Malouet, and the other so-called Monarchiens was based on circumstance more than a common political doctrine. It was *la force des choses* that made their alliance necessary. By pointing to the fundamental differences between Malouet, a man whose career had been made in the service of the king, and Mounier, whose career had been catapulted to national prominence by his opposition to royal authority and ministerial reforms, Griffiths challenged the conventional understanding of the Monarchiens as a coherent group of Anglophiles.⁷¹ The Monarchiens during this period, he argued, were an extremely disparate group who disagreed on a specific form of government, but concurred on the need to halt the Revolution's radicalization, to curb popular influence in the Assembly, and to reestablish the rule of law by strengthening the king's authority.⁷² It was only once it had become absolutely clear that moderates had lost control of the Revolution in August 1789 that Malouet and Mounier put aside their differences to form the Monarchiens' 'central committee,' the 'intimate society' that Malouet subsequently made reference to in his *Mémoires*.⁷³

⁶⁹ Ibid., 19.

⁷⁰ Ibid., 18.

⁷¹ Ibid., 50 and 55.

⁷² Ibid., 55-56.

⁷³ Ibid., 67-69.

Since Griffiths' *Centre perdu* a score of articles, a few monographs, and a PhD dissertation have been written about either the Monarchiens as a group or one of their core members. It is beyond the scope of this chapter to give a detailed analysis of all of these important contributions, and in lieu the following section will assess the place of the Monarchiens in three of the main streams of French revolutionary historical debate since 1978: the two main currents of 'revisionism,' and 'post-revisionism.' Revisionist historiography of the French Revolution is an umbrella term including everything from Cobban to Furet, essentially a generation's worth of scholarship refuting the 'Marxist orthodoxy' of the *historiographie universitaire*. The first stream of revisionism will denote scholars who have adopted Furet's political-cultural approach, characterized by the view that the Revolution's violent excesses were necessary consequences of the political culture of 1789. The influence of the shift in the humanities and social sciences known as the linguistic turn, which tends to privilege the study of language and other forms of discourse, is another common characteristic of this stream.

The second stream of revisionism relates to the work of highly influential British scholars such as William Doyle and Norman Hampson, who differ from the first stream by their effort to avoid what they criticize as its determinism, while sharing Furet's disposition to emphasize the political nature of the Revolution. Both streams tend, however, to emphasize the Revolution's negative aspects such as its violent turn and the failure to live up to its ideals. Methodologically, this second stream is characterized by an empirical approach. Finally, the term post-revisionism denotes scholars who, like Doyle and Hampson, have explicitly rejected the alleged determinism of the first stream of revisionism, but argue that the Revolution's excesses were the direct result of practical circumstances rather than ideology. As opposed to the other two streams, however, post-revisionists tend to emphasize the Revolution's positive aspects such as its accomplishments, rather than its violent turn.

According to Furet's thesis, the rejection of the Monarchiens' constitutional proposals resulted from their incompatibility with the National Assembly's collective conception of politics and history:

“[The Monarchiens'] misfortune was their reclamation of a precedent without reality in the nation's history: there simply was no French tradition of a “King in Parliament.” This allowed the Bourbon Monarchy's sovereignty to be understood as simultaneously indivisible and vacant: it was easier to fill this vacancy with the people than with a king as co-sovereign with a Chamber of Lords and of Commons, a trio whose subtle balance had never existed in the national past.”⁷⁴

For Furet, then, the Monarchiens had wanted to import the British constitution. The French, however, were unwilling to accept a model that legitimized competing interest and dissent, as years of absolutism had rendered the notion of a single, absolute political will axiomatic. The king was consequently replaced by the 'people' in the abstract, malleable to fit the need of whoever made the strongest, most eloquent claim of speaking in their name. However praiseworthy, Furet concluded, the Monarchiens' proposals were bound to fail in this incompatible ideological climate.

Ran Halévi, Furet's colleague and one of the foremost experts on the National Assembly, has written several important works in which the Monarchiens are prominent.⁷⁵ His article “La République monarchique” (1993) summarized his view of the National Assembly's fundamental problems: how to incorporate a hostile king in the new political arrangement and how to repudiate the *Ancien Régime* without abolishing the monarchy. For Halévi, such compromises were chimerical: the ideological notion of popular sovereignty, the Revolution's driving principle, was the antithesis of monarchical

⁷⁴ Furet and Halévi, “L'année 1789,” 13.

⁷⁵ For works by Ran Halévi, see “Monarchiens” in *Dictionnaire critique de la Révolution française: Acteurs*, ed. by François Furet, Mona Ozouf, Bronislaw Baczko, et al. (Paris: Flammarion, 1988), 387-402; “La République Monarchique,” in *Le siècle de l'avènement républicain*, ed. by Furet; Ozouf; Keith Baker; et al. (Paris: Gallimard, 1993), 165-196; and *La monarchie républicaine: la constitution de 1791* (Paris: Fayard, 1996).

authority.⁷⁶ The Monarchiens embodied the futile attempt to accommodate these mutually exclusive concepts, and their constitutional proposals consequently struck the majority of deputies as despotic.⁷⁷ Further, the Monarchiens sealed their own fate by disastrously appealing to popular sovereignty on several occasions, going so far as to invoke the general will to support their constitutional proposals.⁷⁸ Their failure to moderate the Revolution was therefore inevitable, and their inability to grasp the incompatibility of popular sovereignty and Monarchical authority was the cause of their ruin.⁷⁹ They had attempted to rebuild France from broken materials.⁸⁰

Not all adherents of this stream of revisionism resided within France's borders, as it was particularly pervasive in the United States. Keith Baker is a case in point. In his *Inventing the French Revolution: Essays on French Political Culture in the Eighteenth Century* (1990), Baker argued that the Revolution's political culture had been invented in the last decades of the *Ancien Régime*, starting in the 1750s and 1760s with the *parlements'* opposition to Louis XV.⁸¹ Baker charted this cultural development, identifying its three major strains or discourses: that of justice, used in support of the *parlements*; that of reason, used in support of enlightened monarchical authority; and that of will, used by those in support of a more democratic system, and influenced by Rousseau and classical republicanism.⁸² These three discourses competed throughout the early stage of the Revolution, ending with the triumph of the latter.⁸³

⁷⁶ Halévi, "La République Monarchique," *passim*.

⁷⁷ *Ibid.*, 189.

⁷⁸ *Ibid.*, 190.

⁷⁹ Halévi, "Monarchiens," 387-389.

⁸⁰ *Ibid.*, 387.

⁸¹ Keith Baker, *Inventing the French Revolution: Essays on French Political Culture in the Eighteenth century* (Cambridge and New York: Cambridge University Press, 1990), 3-4, 24.

⁸² *Ibid.*, *passim*.

⁸³ *Ibid.*, 301.

In the book's concluding essay, entitled "Fixing the French Constitution," the Monarchiens were depicted as wise moderates, tirelessly pursuing a middle ground throughout the crucial constitutional debates. The essential question was whether a constitution needed to be created from scratch or if the existing constitution could be reformed. In other words, the debates embodied a struggle between philosophy and history.⁸⁴ By August 1789, Lally-Tollendal and Mounier led "that loose alliance of moderate deputies subsequently known as the Monarchiens,"⁸⁵ who appealed in vain to history and experience. They urged the deputies to follow the examples of the British constitution and of the nascent American republic, and to consider the arguments of Montesquieu, De Lolme, Adams, Blackstone, and Livingstone to no avail.⁸⁶

Their opponents, Baker continued, used the writings of Rousseau in support of a constitutional model in which history and the Anglo-American examples were frowned upon. It was argued that French history symbolized injustice, and was therefore to be avoided. Moreover, the French were now in a position to establish a kind of liberty far superior to the British system of representation. Philosophy, reason, and the abstract will of the nation were the principles from which this new, utopian liberty was to emerge.⁸⁷ To vote for the absolute veto was to subordinate the general will to that of the king and to condemn the nation to despotic rule,⁸⁸ and to vote for bicameralism was to replace the unitary will of the nation with competing wills that would enable the aristocracy to oppose the public good in pursuit of their own selfish interest.⁸⁹ The Monarchiens' insistence on using history and experience rather than abstract metaphysics as a political guide could have prevented the fall of the

⁸⁴ Ibid., 252-305.

⁸⁵ Ibid., 273.

⁸⁶ Ibid., 277.

⁸⁷ Ibid., 278-279.

⁸⁸ Ibid., 292.

⁸⁹ Ibid., 286.

constitutional monarchy in August 1792, and, most importantly, prevented the Terror. The precedent set by the Assembly's decision to adopt the language of will had cataclysmic consequences: "If a constitution could be created anew in accordance with the principle of national sovereignty, could it not be abolished and replaced on the same basis? And if popular action could force the acceptance of constitutional principles in the name of the nation, could it not also force their revision and repudiation once accepted?"⁹⁰ In effect, by rejecting moderation and choosing to establish a radical constitution, the Assembly had made the Terror inevitable.⁹¹

William Doyle's political histories of the Revolution continue to be among the most influential available. But Doyle's work differs significantly from the first stream of revisionism, as the influence of the linguistic turn is much less pronounced. In the introduction of the latest edition of his *Origins*, for instance, Doyle criticizes the political-cultural approach for its alleged determinism:

"The risk of this was that the old socioeconomic determinism, reduced to ruins by the revisionists, would simply be replaced by a cultural interpretation just as deterministic. It was clearly articulated in 1991 by Roger Chartier. The Revolution, he argued, was possible only when it became thinkable. Yet empirically it seems much more likely that it became thinkable only when events made it possible."⁹²

Analyzing Mounier's political thought in an article that seemed directed at Halévi, Doyle stated that it was not Mounier's proposals that were unrealistic, but those of his opponents. Though influenced by the philosophy of Locke, Montesquieu, Rousseau, Robertson, and De Lolme, Mounier was nonetheless an extremely pragmatic politician, in contrast to the majority of the Assembly's deputies.⁹³ The integral

⁹⁰ Ibid., 302.

⁹¹ Ibid., 305.

⁹² William Doyle, *Origins of the French Revolution*, 3rd edition (Oxford: University Press, 1999), 38.

⁹³ Doyle, "La pensée politique de Mounier," in *Terminer la révolution: Mounier et Barnave dans la Révolution française*, ed. by Furet and Ozouf (Grenoble: Presses Universitaires de Grenoble, 1990), 25.

themes of his writings were his contempt for the tumultuous nature of democracies; his fear of the tyranny of the majority; and the preoccupation with the Revolution's potential to degenerate into chaos and anarchy.⁹⁴ But unlike Burke, wrote Doyle, Mounier lived long enough to say “I told you so.”⁹⁵ The proposed bicameral legislature and absolute veto were common-sense, but unacceptable to the deputies. Doyle concluded that Mounier was tremendously prescient in his relentless campaign to check the chaos that would subsequently immerse the Revolution, and was thus a realistic politician.

Likewise, Norman Hampson's *Prelude to the Terror: the Constituent Assembly and the Failure of Consensus, 1789-1791* (1988) explicitly criticized the political-cultural approach: “There is, of course, an obvious sense in which one thing led to another but to assume that it could not have led anywhere else is to opt for a degree of determinism in the past that we would never admit in our own lives.”⁹⁶ Hampson nonetheless described the Revolution as one of modernity's greatest tragedies, whose beginning, while being marked by unsurpassed optimism, gave way to persecution and violence.⁹⁷ Moreover, Hampson believed that the Enlightenment, embodied by Rousseau and Montesquieu, more than any other factor, shaped the revolutionaries' understanding of life, politics, and society.⁹⁸ Hampson described the Monarchiens as upright and realistic conservatives, notwithstanding the tactlessness of their exaltation of France's national rival, Britain, as a model for reforms.⁹⁹ The Monarchiens' opponents ensured the defeat of bicameralism by manipulating the fear of the populace of an aristocratic plot. Further, Rousseau had already convinced France of the merit of

⁹⁴ Ibid., 29-30.

⁹⁵ Ibid., 25.

⁹⁶ Norman Hampson, *Prelude to the Terror: the Constituent Assembly and the failure of Consensus, 1789-1791* (Oxford: Basil Blackwell, 1988), xii.

⁹⁷ Ibid., ix.

⁹⁸ Ibid., 1.

⁹⁹ Ibid., 70-71.

unicameralism.¹⁰⁰ Had the majority on the right not played the *politique du pire*, the Revolution might have stabilized and France's optimism might have proved fruitful.

Among post-revisionism's most prominent political historians are Michael Fitzsimmons and Timothy Tackett. In his *The Remaking of France* (1994), Fitzsimmons focused on the National Assembly's achievements rather than its failures. The goal of the study was to examine “the manner in which the limited aspirations of the Estates-General of 1789 became transformed into the much broader movement that has come to be known as the French Revolution,”¹⁰¹ and Fitzsimmons's observation was that the Revolution came into being from the necessity of ridding France of its main scourges, privilege and divisions, in order to forge a united nation. The catalyst for change was the night of 4 August, which influenced the constitution more than ideology.¹⁰² Unlike the revisionists, Fitzsimmons was substantially critical of the Monarchiens for their alleged unwillingness to acknowledge the new reality forced by 4 August. Further, he blamed Mounier and “the monarchical elements” for the breakdown of consensus within the Assembly.¹⁰³ The Monarchiens' efforts, then, were in direct conflict with France's reasonable aspirations of reforming past abuses.

Tackett's *Becoming a Revolutionary* (1996) is arguably the most influential study of the National Assembly available. It went far beyond an examination of the Revolution's most active and eloquent orators, and instead provided an analysis of 126 members of the Assembly, in order to demonstrate whether they showed signs of being revolutionaries at the outset of the Estates General, or

¹⁰⁰ Ibid., 72-74.

¹⁰¹ Michael Fitzsimmons, *The Remaking of France: the National Assembly and the Constitution of 1791* (New York: Cambridge University Press, 1994), xii.

¹⁰² Ibid., *passim*.

¹⁰³ Ibid., 64.

if they were gradually transformed by their experiences and by circumstance.¹⁰⁴ Essentially, the study's main purpose was to establish that the Revolution's political culture was predominantly shaped by experience, not ideology.¹⁰⁵ A substantial discussion of the Monarchiens ensued in Tackett's chapter on the Assembly's factions, in which they were considered “the critical achievement of leadership and organization of the newly emerging right.”¹⁰⁶ The Monarchiens were, for Tackett, elitists led by Mounier who were much more formidable yet far less democratic than their principal opponents: “While the Breton Club evolved in an essentially democratic fashion [. . .] the Monarchiens followed their more authoritarian penchant by establishing a small decision-making central committee.”¹⁰⁷ Furthermore, although he admitted that the Monarchiens were fundamentally distinct from the Assembly's extreme right, Tackett suggested that the lines between the two became blurred during the constitutional debates.¹⁰⁸

As opposed to Baker, he emphasized the continuing influence of the Monarchiens after the defeat of their constitutional proposals, and attributed the growing polarization in the assembly to their organizing drive. This sense of ascendancy had even led Mounier to reject the overtures of the 'Triumvirate' (Adrian Duport, Antoine Barnave, and Alexandre de Lameth) in a meeting organized by Lafayette in late August meant to bridge the gap between these rival's constitutional proposals.¹⁰⁹ Further, where Baker categorized the adoption of the suspensive veto as a resounding victory for the radicals, Tackett described it as a victory for the right, tantamount to the absolute veto, that resulted

¹⁰⁴ Timothy Tackett, *Becoming a Revolutionary: the Deputies of the French National Assembly and the Emergence of a Revolutionary Culture, 1789-1790* (Princeton, NJ: Princeton University Press, 1996), 5-10.

¹⁰⁵ *Ibid.*, 12-13.

¹⁰⁶ *Ibid.*, 185.

¹⁰⁷ *Ibid.*, 186.

¹⁰⁸ *Ibid.*, 187.

¹⁰⁹ *Ibid.*, 188-189.

from a pragmatic and realistic compromise between the Assembly's opposing factions.¹¹⁰ Tackett went as far as suggesting that the Monarchiens were partly responsible for the creation and organization of the Jacobins, who used the former as their organizational model.¹¹¹ This comparatively negative portrayal of the Monarchiens has since been supported in Paul Hanson's recent article on monarchist clubs, which concluded that the impact of the clubs was the polarization of politics at the local level.¹¹²

As we have seen and as is to be expected, historians' interpretations of the Monarchiens have tended to vary in function of their wider perspectives of the Revolution. This held true almost invariably from de Staël to Tackett. However, the recent emphasis on the importance of the Revolution's first year has forced historians to reassess the importance of the Monarchiens and the significance of their failures. They have thus figured more prominently in recent studies than in much of the older historiography. The ultimate stake of the recent debate is the claim that the French explicitly rejected the option of installing a system of checks and balances that would have prevented the Terror. If, as Tackett claims, the Monarchiens were further to the right than commonly supposed, the rejection of their proposals was not predetermined by the revolutionaries' ideology, but may have been a pragmatic response to the threat of a political reaction. This study will further this dialogue by demonstrating that since the advocates of a British-modeled system were fundamentally divided in their vision of a reformed France, the revolutionaries were correct in perceiving that they were effectively rejecting a mitigated form of enlightened despotism, and not obeying their ideological impulses as the likes of Furet and Baker have claimed.

¹¹⁰ Ibid., 190-194

¹¹¹ Ibid., 206-207

¹¹² Paul Hanson, "Monarchist Clubs and the Pamphlet Debate over Political Legitimacy in the Early Years of the French Revolution," *French Historical Studies* 21 (1998), 299-324.

Chapter 2

The Making of Moderation: the Monarchiens in the *Ancien Régime*

Who were the Monarchiens prior to the outbreak of the French Revolution? The main objective of this chapter is to examine the future Monarchiens' collective political perspective preceding the financial crisis of 1787. The erudite biographies that have appeared on Mounier, Bergasse, Clermont-Tonnerre, and Malouet, and the study of Lally-Tollendal's involvement in the exoneration of his late father will serve as a starting point. No one, however, has produced a collective biography, or prosopography, of the Monarchiens prior to the Revolution. The primary sources analyzed, however, will be limited to those with bearing on their political position as well as ideological influences throughout this period. Were the Monarchiens' politics heavily influenced by their readings at this time, or were they driven by other factors? We will be particularly attentive to their upbringing, education, social background, careers and ambitions, readings, and partisanship in the struggle between king and *parlements*. Unfortunately, available evidence is largely imbalanced: much has been left by some of the five Monarchiens in this study, while almost nothing has survived from others. In the latter cases their personal correspondence, their careers, their known affiliations, social backgrounds, and the testimony of contemporaries will be used to fill in the evidential gaps. As we will see, the known involvement or partisanship of these characters in pre-revolutionary politics suggests that they were not all ideologically or politically committed to either the *parlements* or the king prior to the Revolution.

Mounier was born in Grenoble in the Dauphiné on 12 November 1758 to a pious and successful commercial family.¹¹³ At the age of 8, Mounier was sent to Reives to be educated by his uncle, a priest whose strictness and liberal application of lashings apparently taught Mounier to hate injustice and

¹¹³ The information used for this brief sketch of Mounier's youth is drawn both from François Vermalle, "Les années de jeunesse de Mounier," *Annales Historiques de la Révolution française* (1939), 1-24; Jean Egret, *La révolution des notables*, chapter 1, and René Bourgeois, *Jean-Joseph Mounier: un Oublié de la Révolution* (Grenoble: Presses universitaires, 1998), chapter 1.

oppression.¹¹⁴ At age 12, he returned home and enrolled in the *Collège Royal-Dauphin*, a prestigious institution where Grenoble's high bourgeoisie and nobility sent their children. As a student, Mounier earned a reputation for being a rebel and was caught writing *Nugae sublimes* (sublime trifles) on his notepad for his philosophy class. This suggests he had an early distaste for metaphysics.¹¹⁵ Mounier graduated from the *Collège* at 17, and wavered among potential careers. Initially he had hopes for the military, but was unable to follow this path as he lacked the noble lineage required for the officer corps.¹¹⁶ Following this disappointment, he tried his hand at commerce in his father's boutique. However, he did not have the patience and restraint required to deal with customers, and upon the advice of a town notable he opted for a career in law.¹¹⁷ He passed the bar in 1778, and thereafter obtained a post as a lawyer in Grenoble's *Parlement*. In 1782 Mounier married and in 1784 he bought an office as judge.

An interesting *éloge* was composed by Berriat-Saint-Prix upon the death of Mounier in 1806 and it sheds much light on his political development in Grenoble.¹¹⁸ According to the testimony of those who knew him, the 1780s were a period of intellectual growth and erudition for Mounier, who in 1788 “étonna tout les esprits par la profondeur de ses connaissances en droit public et politique.”¹¹⁹ He was a passionate follower of the American War of Independence, and took interest in Irish unrest against the British. Through the *Mercure the France's* political section he followed political developments throughout Europe and particularly those from across the Channel. Mounier was fascinated by Great Britain's parliamentary politics, learned English, and was remembered as an avid

¹¹⁴ Gérard-Tromphime, Comte de Lally-Tollendal, “Mounier,” in *Biographie universelle, ancienne et moderne, ou Histoire, par ordre alphabétique, de la vie publique et privée de tous les hommes... Tome 30, réd. par une Société de gens de lettres et de savants*, Louis-Gabriel Michaud, ed. (Paris: L.G. Michaud, 1821), 310.

¹¹⁵ Egret, 10.

¹¹⁶ Lally-Tollendal, “Mounier,” 310.

¹¹⁷ Vermale, 6.

¹¹⁸ Almost all of Mounier's pre-revolutionary writings were burned by his family during the Terror. Vermale, 1.

¹¹⁹ Jacques Berriat-Saint-Prix, *Éloge Historique de M. Mounier, Conseiller d'État* (Grenoble: Allier, 1806), 8.

reader of William Blackstone's *Commentaries on the Laws of England*. He was also said to have read Jean-Louis De Lolme's *Constitution of England*, a work that praised Britain's constitution as the best of all existing political arrangements.¹²⁰

Two letters from a young Briton confirm Mounier's Anglophilia. In the first, written from Paris and dated 7 May, 1786 Byng apologized for his inability to send several documents requested by Mounier and assured him that, once back in London, “je deviendrais plus exact dans ma correspondance, et je serais très attentif à vous mander ce qui se passe de plus intéressant dans notre Chambre de Communes.”¹²¹ The documents requested by Mounier were related to British politics. The first document was the *Letters of Junius*, a pamphlet that defended the historical liberties of Englishmen against perceived despotism and deplored the persecution of radical Whig writers such as John Wilkes. Mounier had also requested the *Remarques sur les Sauvages*, which was likely a translation of Benjamin Franklin's 1784 *Remarks concerning the Savages of North America*.¹²² In this pamphlet, Franklin criticized European prejudices against North American natives, praising their dignity. Byng then informed Mounier that he would send him an unnamed work by the British radical and supporter of American Independence Richard Price.

In the second letter, dated 7 May 1787, Byng wrote: “I suppose you have become an excellent Englishmen by this time. I write you therefore in English.” The letter continued: “You seem to wish to know if Mr. Hastings had been impeached [. . .] About the beginning of next week's session he will be brought before the House of Lords, whether they will do their duty as well as the Commons have, nobody can answer.” Warren Hastings had been a colonial administrator in India and Whig leaders

¹²⁰ Ibid., 8-10.

¹²¹ Dossier Denier, R-90782.

¹²² Its translation was entitled *Remarques sur la politesse des sauvages de l'Amérique septentrionale*.

wanted to impeach him for abuse of authority. Judging from Byng's writing, Mounier had expressed the hope that Hastings would be impeached, and Byng concluded by stating that a stain would be left on the English character if Hastings remained unpunished.¹²³ These two letters unambiguously confirm that Mounier, as Berriat-Saint-Prix's *éloge* had averred, was an admirer of British and American politics and institutions prior to the outbreak of the French Revolution.

These few sources show that Mounier had a politically cosmopolitan outlook and was particularly interested in independence movements, such as those in America and Ireland. This suggests that he believed in a people's right to resist its government when oppressed. He was also an Anglophile who admired the liberal side of British politics and the fact that its structure allowed the expression of criticism and dissent. We can surmise that he hoped the French would learn from the principles of liberty expounded by the Americans, and allow for an increase of legitimate channels of opposition to royal policy akin to the British model. As a lawyer and judge for Grenoble's *Parlement*, he undoubtedly believed that France's *parlements* had a legitimate share in the exercise of sovereignty and viewed their opposition to royal authority as an indispensable bulwark against despotism.

Lally-Tollendal¹²⁴ was born on 5 March 1751, the illegitimate son of Thomas Arthur, Comte de Lally-Tollendal, and his mistress, Felicity Crafton. His grandfather, Gerard Lally, was a Catholic Jacobite who had moved to France following the Glorious Revolution of 1688. Once settled in France, Gerard Lally had established some important connections, married a French noblewoman, and served in Louis XIV's army.¹²⁵ Thomas Arthur inherited his mother's French nobility, and established an illustrious career in the French army. According to Lally, his father and grandfather never forgave

¹²³ Dossier Denier, R-90782.

¹²⁴ Henceforth denoted as Lally.

¹²⁵ Edna Hindie Lemay, Christine Favre-Lejeune, Yann Fauchois, Alison Patrick et al, *Dictionnaire des Constitutants: 1789-1791* (Oxford: Voltaire Foundation, 1991), 504.

Great Britain for the dispossession of their family estate, and on several occasions became embroiled in Jacobite schemes.¹²⁶ Thomas Arthur's vindictiveness eventually led to his promotion as India's viceroy during the Seven Years War, but under his watch the French suffered a devastating defeat to the British that resulted in the loss of Pondicherry, France's last foothold in India. Thomas Arthur was scapegoated by French colonists for mishandling the war effort, and upon his return to France he was accused of treason by the Paris *Parlement* and sentenced to death on 6 May 1766.

While in prison, Thomas Arthur recognized Lally as his son, and begged, to no avail, to have him named his legal heir to avoid the requisition of his fortune by the state. Likewise it was during the trial that the young Lally learned of his father's identity, previously unknown, and was profoundly struck with admiration for his heretofore glorious military career. Convinced of his father's innocence, the fifteen-year-old Lally spent the next twenty years actively campaigning to exonerate him of treason and rehabilitate his family's name. More than any other factor, it was this experience with the French justice system that shaped the Comte's understanding of politics.¹²⁷ Lally, eventually supported by distinguished contemporaries such as Voltaire and Condorcet, accused the *parlements* of blatantly murdering an innocent man to avenge the loss of Pondicherry.

Lally's campaign happened to coincide with the aftermath of the 'Maupeou Coup,' an attempt to reform the justice system in a way that effectively abrogated the *parlements'* authority. Upon their reinstatement by Louis XVI, the *parlements* therefore showed extreme sensitivity to any and all forms of criticism. Consequently, many judges interpreted the Comte's campaign as a personal attack on their

¹²⁶ Lally-Tollendal, *Mémoire produit au conseil d'État du roi par Trophime-Gérard, Comte de Lally-Tolendal, capitaine de cavalerie au régiment des cuirassiers, dans l'instance en cassation de l'arrêt du 6 mai 1766, qui a condamné à mort le feu Comte de Lally, son père,... et signifié pour défense à M. le procureur général du parlement de Normandie, dans l'instance renvoyée en cette cour par l'arrêt du conseil qui a prononcé la cassation.* (Rouen: veuve Besongne et fils, 1779), Tome I, *passim*.

¹²⁷ Pierre-Antoine Perrod, *L'Affaire Lally-Tollendal*, 2 vols. (Lille: Service de reproduction des thèse, 1976), Tome 1, 341-345.

authority. Failing to make progress, Lally began to appeal directly to the king and to a burgeoning public opinion with melodramatic and sentimental depictions of his traumatized youth:

“à peine sorti de la plus tendre enfance, je désirais, je cherchais, j'appelais les auteurs de mes jours, tandis que ma mère expirait dans une terre étrangère, et que mon père était jeté dans une prison cruelle [. . .] je n'ai appris le nom de ma mère que plus de quatre ans après l'avoir perdue, Je n'ai appris celui de mon père qu'un jour, un seul jour avant de le perdre [. . .] J'ai couru pour lui porter mon premier hommage et mon éternel adieu; pour lui faire entendre du moins la voix d'un fils, parmi les cris de ses bourreaux; pour l'embrasser du moins sur l'échaffaut où il allait périr, et peut-être aurais-je le bonheur d'y périr avec lui: j'ai couru vainement; on avait craint la clémence, ou plutôt la justice du Souverain: on avait hâté l'instant de supplice; je n'ai plus trouvé mon père, je n'ai vu que la trace de son sang.”¹²⁸

The story, carefully crafted to fit the era's penchant for sentimentality, made a sensation throughout France, gained widespread support, and was even said to have made Louis XVI and Marie-Antoinette weep.¹²⁹ Though initially unsuccessful in his quest to exonerate his father, Lally slowly gained ground, as a remorseful court soon made him the legal successor of his father's fortune and noble title.¹³⁰

In 1778, the King's State Council (KSC) finally granted Lally an audience. The Comte, mindful of the tensions between royal authority and the *parlements*, ostensibly recast his father's execution as a prime example of the urgent need to curtail the power of the latter. He depicted a dichotomous picture of French politics in which the *parlements* were depraved, corrupt, and despotic, while the king was benevolent, just, and pure.¹³¹ Lally's father had been “insulté, outragé, bourrelé arbitrairement par le despotisme sanguinaire d'un juge de France!”¹³² The flawed justice system had rendered members of

¹²⁸ Lally-Tollendal, *Mémoire*, tome I, 7.

¹²⁹ Perrod, Tome 1, 364.

¹³⁰ *Ibid.*, 347.

¹³¹ For a vivid analysis of sentimental appeals to the public in late eighteenth century French judicial processes, see Sarah Maza, *Private Lives and Public Affairs: the Causes Célèbres of Prerevolutionary France* (Berkeley: University of California Press, 1993), *passim*.

¹³² Lally-Tollendal, *Mémoire*, tome 1, 6.

the *parlements* unaccountable, and this needed to be rectified.¹³³ In 1779 Lally published his *Mémoire produit au Conseil d'État du Roi*, a version of the appeal he had presented to the KSC reformatted for the public, which he lauded as “le tribunal de l'univers”¹³⁴ and which he invited to arbitrate his struggle with the *parlements*.

Although one must be attentive to the *Mémoire's* overt purpose of posthumously acquitting Thomas Arthur, it is nonetheless essential reading, as Lally had developed a cultivated understanding of the French justice system, as well as those of other European countries and particularly that of the British.¹³⁵ This instructive experience essentially shaped Lally's understanding of French politics, whose ills he considered inextricably linked to those of the justice system, and in the *Mémoire*, the culmination of his life's work, one can find the enunciation of these principles. The *Mémoire* was divided into three parts: the first was a history of the services his father had rendered to the state, and the second and third a vivid description of the many irregularities of his trial. In regard to politics, state reform, and the struggle between the king's ministry and the *parlements*, the second part is most revealing. The Comte's conclusions regarding his father's trial were damning as he insisted that the judges had broken every rule in the book. The consequences of arbitrary justice, he continued, would be disastrous: “Ne craignons pas de le dire: si des juges, en matière criminelle, peuvent une fois sortir du cercle étroit d'un fait positif et d'une Ordonnance positive; s'ils peuvent substituer, à l'un, des conjectures et des vraisemblances, à l'autre, des interprétations et des approximations, alors naîtra une jurisprudence arbitraire, le plus terrible fléau que l'humanité puisse éprouver.”¹³⁶ At stake was far more than his father's memory: if judges could freely disregard the law, the French had no means to protect their person, their property, or their conscience.

¹³³ Ibid., Tome 2, 311-12.

¹³⁴ Ibid., Tome 1, 2.

¹³⁵ Perrod, Tome 1, 341-371.

¹³⁶ Lally-Tollendal, *Mémoire*, Tome 2, 310.

An equitable justice system needed fixed forms, Lally argued, and judges who dared to break these forms were far worse than the criminals they judged. His father's condemnation, he continued, had not been based on evidence or the testimony of reliable witnesses, but on the hatred of a judge who had shamelessly committed judicial murder.¹³⁷ If the liberty of all men depended on the whims of such scoundrels, warned the Comte, all of France ought to be afraid.¹³⁸ Lally urged his readers to learn from his father's misfortunes and prevent such atrocities from recurring. “Qui sait,” he went on, “si un exemple si frappant n'amènera pas, dans la législation des peuples, cette révolution si ardemment désirée par tous les hommes sages et vertueux, déjà si heureusement opérée dans plusieurs parties de l'Europe, par des souverains justes, ou des nations libres.”¹³⁹ Meanwhile, he praised the king incessantly, appealing to his benevolence, and likewise depicting him as a victim of the *parlements'* tyranny.

It was while making his case against his father's execution that the Comte became a sincere admirer of the British justice system, to which he made frequent references in his *Mémoire*, liberally citing Blackstone's *Commentaries* and Thomas Smith's *De Republica Anglorum* (1583). The British, he argued, possessed a remarkably superior justice system that should be taken as a model for future reforms. Had his father been judged by the British, justice would undoubtedly have prevailed.¹⁴⁰ In a critique of a French judge who had declared the British system too rigorous, Lally wrote:

“C'est vous qui accusez vos voisins [Great Britain] de rigueur! C'est vous qui prétendez trouver dans vos lois de quoi insulter aux leurs! [. . .] On a vue, il y a quelque temps, jusqu'à quel point les Anglais portent la précision dans leurs jugements, et avec quel scrupule ils se conforment au texte de la loi [. . .] ris donc [. . .] ris d'une loi qui assure la propriété, la liberté, la vie des hommes; et demain des êtres aussi légers et aussi féroces que

¹³⁷ Ibid., Tome 2, 288, 368.

¹³⁸ Ibid., Tome 2, 60-61.

¹³⁹ Ibid., Tome 2, 368.

¹⁴⁰ Ibid., Tome 2, 385-388.

toi, riront de la tyrannie arbitraire qui t'emprisonnera, qui te dépouillera, qui t'assassinera."¹⁴¹

Unlike Mounier, the Comte's Anglophilia, which would likewise distinguish him in the National Assembly, originated in his effort to discredit the *parlements* and not in opposition to royal despotism.

Upon listening to Lally's fastidiously researched case, the KSC pronounced in his favour and annulled the 1766 sentence. The Comte had outmanoeuvred the *parlements* by denouncing their tyranny to royal authorities, in effect manipulating their rivalry for his own purposes. For Voltaire, an avowed enemy of the *parlements* and dedicated supporter of Lally's cause, the royal annulment was an act of righteousness.¹⁴² On his deathbed, upon hearing the news, the old *philosophe* is said to have pronounced: "Je meurs content, je vois que le roi aime la justice."¹⁴³ Unfortunately for Lally, eighteenth-century French sentence annulments were two-pronged processes: once a KSC had annulled a sentence, the trial's procedure had to be annulled by a *parlement*. But Lally's recent success had nonetheless emboldened him, and he thereafter challenged his enemies in the *parlements* to produce the slightest shred of incriminating evidence.¹⁴⁴

The call was zealously answered by the formidable Jean-Jacques Duval d'Éprémesnil, the man who became Lally's arch rival as the champion of the *parlements'* cause and later a leader of the so-called aristocratic revolt of 1787-88. D'Éprémesnil felt as invested in the issue of Arthur Thomas' guilt as Lally, for his uncle Georges Duval de Leyrit had been Pondicherry's last governor and had been harshly criticized throughout Lally's *Mémoire*. Many of the magistrates of the Dijon *Parlement*, where

¹⁴¹ Ibid., Tome 2, 384-86. The majority of this citation is from footnote 1 on page 386.

¹⁴² See Voltaire, *Fragments sur l'Inde et sur le général Lally* (1773).

¹⁴³ Quoted from Marie Jean Antoine Nicolas de Caritat Condorcet, *Vie de Voltaire, par le marquis de Condorcet: suivie des mémoires de Voltaire* (Kehl: De l'imprimerie de la Société littéraire-typographique, 1789), 117.

¹⁴⁴ *Courrier de l'Europe*, 18 August, 1778.

the case was eventually moved, were likewise hostile to Lally, as they perceived the reversal of the 1766 sentence as a despotic abuse of royal authority and infringement on their own. D'Éprémesnil constantly reinforced this perception by depicting the campaign as an attack on principles.¹⁴⁵ Despite the fact that Lally had cogently demonstrated his father's innocence and the case's flimsiness, the Dijon judges continued to consider it a personal attack on themselves.¹⁴⁶ Lally's plea that he considered his judges as veritable gods found little sympathy, and his demand for the annulment of his father's procedure was rejected. His fight therefore continued until he secured a second audience with the KSC in 1786 which overruled the *parlement's* judgement for a second time.

Lally's twenty-year campaign gave him a lasting impression of France's political problems: above all it was France's justice system that was in need of reform. Conversely, the Comte had found continuous patronage and protection in royal authority, which first established him as the legal heir of his father's confiscated fortune, then on two occasions judged in his favour against the *parlements*. The latter had been the consistent source of his and his family's misery, first executing his father and then stubbornly refusing to reverse their sentence due to what was rightly considered by Lally as political motivation. In preparation for his fight, he had become an ardent partisan of reforms to rationalize France's justice system along British lines. For Lally, it was not the king's theoretically absolute power that was the reason for France's political decadence, but the justice system's lack of transparency and accountability, as manifest in the *parlements'* arbitrary powers.

The next Monarchien, Clermont-Tonnerre, was likewise of noble lineage, but his was from an ancient family with roots reaching back to the eleventh century.¹⁴⁷ He was the grandson of the

¹⁴⁵ Quoted from Perrod, Tome 1, 386.

¹⁴⁶ Perrod, Tome 2, 26-31, 159.

¹⁴⁷ For details concerning Clermont-Tonnerre's youth and background see Du Bus, *Clermont-Tonnerre Clermont-Tonnerre et l'échec de la révolution monarchique, 1757-1792* (Paris: F. Alcan, 1931), 3-10.

illustrious Gaspard de Clermont-Tonnerre, who had distinguished himself with a military career that spanned most of his life. Clermont-Tonnerre's father, François-Joseph, had likewise earned a reputation in France's military. Stanislas-Marie-Adalaide, the future Comte de Clermont-Tonnerre, was born on 8 November 1757 in the town of Mandres. So well-known were the Clermont-Tonnerres that Stanislas's godfather was the deposed king of Poland Stanisław Leszczyński and his godmother was Louis XV's wife, Queen Marie Leszczyński. Clermont-Tonnerre was educated at the *Collège Du Plessis*, reputed to be one of France's best schools, then thrust into the military at the age of fifteen, as was expected for most young men from his background.

He first served in several positions as sub-lieutenant. As shown in a letter to Clermont-Tonnerre's grandfather from France's Minister of War, the Comte de Saint-Germain, the Clermont-Tonnerres indefatigably lobbied ministers to assure Stanislas's fast ascendancy.¹⁴⁸ In 1776 he was promoted to sub-lieutenant for the *Dragons de la Reine*,¹⁴⁹ but his numerous absences from his post suggest that he neglected his career in the military.¹⁵⁰ Clermont-Tonnerre's mother, however, refused to acknowledge her son's dereliction of duty, and unhappy with the modest promotion, again wrote to Saint-Germain with more ambitious demands.¹⁵¹ The Clermont-Tonnerres' continued lobbying was eventually effective, and Stanislas was promoted to captain in 1777.¹⁵² However, Clermont-Tonnerre continued to find the military irksome, and instead showed interest in a political career. His family's connections and illustrious name again worked to Clermont-Tonnerre's advantage, as he was given a minor post in Vienna, working in the French embassy under the patronage of the Baron of Breteuil.

¹⁴⁸ Archives des Ministères et Administrations. Guerre. Archives Administratives, Dossier 15333. Archives historiques, régiments: Dragons de la Reine, Royal-Navarre.

¹⁴⁹ Lemay, *Dictionnaire des Constituants, 1789-1791*, 220.

¹⁵⁰ Du Bus, 11.

¹⁵¹ Archives des Ministères et Administrations. Guerre. Archives Administratives, Dossier 15333. Archives historiques, régiments: Dragons de la Reine, Royal-Navarre.

¹⁵² Lemay, 220.

As we have seen, the young nobleman was granted an extraordinary amount of patronage. A letter he wrote from Austria, however, suggest that he may not have been grateful, and rather found diplomatic service as jejune as the military:

“J’ai couru toute la matinée, au risque de me casser le cou sur un maudit cheval de louage qui craignait beaucoup le feu et la musique. Je dîne aujourd’hui je ne sais où, peut-être même à l’auberge: des généraux autrichiens très honnêtes, qui d’ailleurs n’ayant pas pensé à nous faire manger aujourd’hui, j’ai eu bien de la peine à suivre votre avis. [. . .] J’ai dormi fort bien [the previous night], uniquement occupé par mes amours; ils me tourmentent souvent, mais cette nuit ils mont agréablement bercé [. . .] Si vous voyez le soir ma *Fraulein*, parler un peu de moi, sans que cela paraisse.”¹⁵³

If we are to take Clermont-Tonnerre at his word, he was more interested in his love affair than in the advancement of his career. However, while one can argue that the young Clermont-Tonnerre simply missed the comfort of a cozy life in France, it remains the case that the letter is devoid of ambition, or even of any indication that he took his role in Austria seriously.

Clermont-Tonnerre's seemingly trivial brief mention of a particular *fraulein*, however, is worth a pause. Madame de Chastenay, an intimate friend of the Clermont-Tonnerres, later wrote of the relationship between the two as far more significant than this letter suggests. The said *Fraulein* was of modest origins, and any relations between Stanislas and herself would have been unfathomable to a noble family as ancient and distinguished as the Clermont-Tonnerres. Nonetheless, Clermont-Tonnerre fell passionately in love with her, to the extent that there was talk of marriage. His social circle, quite naturally, dissuaded him from carrying out his intention.¹⁵⁴ If de Chastenay's story is accurate, Clermont-Tonnerre's faith in French society's hierarchical structure and all of its restriction had

¹⁵³ Quoted from Du Bus, 16-17.

¹⁵⁴ Victorine Chastenay, *Mémoires de Madame de Chastenay, 1771-1815*, Alphonse Rosarot, ed. (Paris : Plon, 1896), vol. I, 101-103.

suffered a serious blow. Regardless, after thirteen months in the embassy, Clermont-Tonnerre resigned in a letter to Vergennes dated 27 June, 1778.¹⁵⁵

At 22, Clermont-Tonnerre's career had been somewhat of a disappointment: he had made no effort to distinguish himself, and showed no desire for advancement. He had been given remarkable opportunities to move up in rank in both the military and the diplomatic service, and yet had failed to make anything of these favourable circumstances. Instead, he had vacillated between the two careers without making a mark in either, showing interest only in comforts and pleasures. As the grandson of a *Maréchal de France* and the son of a *Maréchal de Camp*, he had utterly failed to live up to his family's expectations. Good fortune nevertheless continued to smile on Clermont-Tonnerre, and in 1781 his grandfather's death gained him an annual pension of 3000 pounds and the title of "*Chevalier d'honneur de Monsieur*."¹⁵⁶ Furthermore, the *Maréchal* left him an inheritance of 270 000 pounds.¹⁵⁷ Shortly thereafter, Clermont-Tonnerre married a young noblewoman, which earned him an additional annual pension of 14 000. Clermont-Tonnerre seemed perfectly to fit the stereotype of an undeserving noble, devoid of talent, whose birth had earned him the wealth and opportunities closed to so many in the Third Estate.

Meanwhile he was deployed to Geneva in 1782 as part of a French contingent sent to quell its ongoing civil war. Letters written to his wife Delphine give several important indications of Clermont-Tonnerre's political outlook and of his character seven years prior to the Revolution.¹⁵⁸ They demonstrate that he had a sense of philanthropy, as in several instances he mentioned a sick Savoyard

¹⁵⁵ Archives des Ministères et Administrations. Archive des Affaires Étrangères, Correspondance de l'Autriche, Vol. 336, 193. Dossier personnel de Clermont-Tonnerre.

¹⁵⁶ Archives des Ministères et Administrations. Guerre. Archives Administratives, Dossier 15333. Archives historiques, régiments: Dragons de la Reine, Royal-Navarre.

¹⁵⁷ Du Bus, 26.

¹⁵⁸ This correspondence was transcribed and published in Eugénie Droz, *Stanislas de Clermont-Tonnerre et l'occupation de Genève en 1782* (Paris: C. Klincksieck, 1962). This is the only known correspondence between the two that has survived.

boy, whom he took under his care and hoped to provide with a proper upbringing in France.¹⁵⁹

Although the plan appeared to go unfulfilled, one senses the influence of Rousseau in his desire to provide a poor child with an education. Although we cannot know for certain that he read *Émile*, he was nonetheless well-acquainted with the Genevan: “Le lac [Lake Geneva] est d'un calme et d'une beauté qu'il faut avoir vu, si l'on n'en a pas lu la description dans les ouvrages de Rousseau.”¹⁶⁰ His self-perception as an educator went beyond poverty-stricken youths, as he also played the role of a pedagogue with Delphine. “Tu sais bien, mon cher coeur,” he wrote, “que nous sommes convenus en nous quittant de ne pas négliger notre plan d'étude.”¹⁶¹ In another letter written a few days later, he recommended that she read classics such as Homer's *Iliad*, unnamed works by Virgil, Fénelon's *Télémaque*, and several unnamed poems by Voltaire. Clermont-Tonnerre's belief in progress through education was characteristic of the French Enlightenment, and we can surmise from the recommendations he made to Delphine that he was extremely well-read. At this stage, however, he showed no sign of having read the works of writers such as Montesquieu or De Lolme who lauded the virtues of the British constitution.

While in Geneva, Clermont-Tonnerre undertook the writing of a history of the city, which he deeply admired, as a distraction from the boredom of military life. Unfortunately, the history was never published and the manuscript lost, but we can conclude that Clermont-Tonnerre considered history an indispensable tool for acquiring a reasoned understanding of society.¹⁶² Moreover, Clermont-Tonnerre saw his writing as a potential means to attain the glory that had previously eluded him: “J'espère que cet ouvrage me fera honneur et c'est travailler pour ton amour-propre que te donner un marie que tu puisse citer; la gloire militaire devient si rare qu'il faut s'en faire une d'un autre genre quand on est bien

¹⁵⁹ Ibid., 145.

¹⁶⁰ Ibid., 108.

¹⁶¹ Ibid., 107.

¹⁶² Ibid., 114-116.

aise de vivre plus longtemps qu'un sôt.”¹⁶³ A sense of failure pervaded the letters, confirming that Clermont-Tonnerre considered himself the black sheep of the Clermont-Tonnerres: “Tu sais que je suis avide de toute sorte de gloire [. . .] Tu sais que j'aime que deux choses dans ce monde: toi et la gloire. Et je veux à toute force que ton marie soit cité comme un être qu'on ne doit confondre avec personne.”¹⁶⁴

In 1786, an anonymous work entitled *Traduction libre du premier chant de Fingal, poème d'Ossian* appeared in Paris. It has long been attributed to Clermont-Tonnerre. In his introduction, Clermont-Tonnerre glorified men free of civilization's degenerative influence: “Tels ont dû être, tels ont probablement été les hommes, avant que l'invention des arts les réunissant dans des villes immenses, les eût fait ployer sous le joug de la civilisation; tels ils sont encore dans les contrées où l'âpreté du site et la dureté du climat ont arrêté les entreprises de ceux qui auraient voulu les arracher à leur liberté primitive.”¹⁶⁵ As had so many young aristocrats from his generation, Clermont-Tonnerre had fallen under the influence of Rousseau.

His reading of radical authors, his dislike of the military, and the impossibility of marrying his Austrian *Fraulein* due to her humble origins suggest that Clermont-Tonnerre was unhappy with several of the *Ancien Régime's* social conventions. In his biography, Du Bus portrayed Clermont-Tonnerre as an indecisive and mediocre young man who, being so accustomed to having his way, rebelled against the court for refusing to promote him to the position of ambassador. Du Bus also dismissed his subject's liberalism and moderation as the result of his mediocre talent. Closer attention to the available evidence, however, reveals a young man who had benefited tremendously from the old system, but had nonetheless personally felt some of its inconveniences and consequently wanted its

¹⁶³ Ibid., 114.

¹⁶⁴ Ibid., 136-137.

¹⁶⁵ Clermont-Tonnerre, *Traduction libre du premier chant de Fingal, poème d'Ossian* (Paris: Gueffier, 1786), 7-8.

reform. In 1789, Clermont-Tonnerre was given the opportunity to change what he considered society's defects and, if only briefly, find the glory for which he longed.

If any of the five Monarchiens, or any members of the National Assembly for that matter, had genuine political and administrative experience before 1789, it was Pierre-Victor Malouet. When the convocation of the Estates General was announced, he was the *Intendant* of the Marine in Toulon, a position he had held since 1781 and to which he had dedicated a lifetime of sagacious service. Born in 1740 to a family of robe bourgeois in Riom, the judicial and administrative centre of the Auvergne, Malouet was also the oldest of the Monarchiens. At the age of eight, he had been admitted to the Oratorian *collège* in Riom, and at age 14 had left for the *Collège de Juilly*, located thirty kilometres from Paris.¹⁶⁶ After he had completed his education in 1759, Malouet's family connections secured him a minor position in the French consulate in Lisbon, launching his career as an administrator.¹⁶⁷

Subsequently Malouet found employment in the Department of the Marine and the Colonies in 1764.¹⁶⁸ It was during these formative years that Malouet learned the importance of gaining the favour of highly-placed officials, a task at which he would excel throughout his career. In 1767 he received a promotion as sub-commissioner in Saint-Domingue, and merely a year after his arrival in the colony he married the widowed owner of a lucrative plantation, enabling him to acquire the civil status of *colon*.

¹⁶⁶ René Bouscayrol, "Origines et prime jeunesse de Victor Malouet," in Jean Ehrard, ed. *Malouet, 1740-1814: actes du colloque des 30 novembre et 1er décembre, 1789* (Clermont-Ferrand: Société des Amis des Universités de Clermont, 1990), 17-22. Malouet did not return to Riom until 1788.

¹⁶⁷ Marc Perrichet, "Malouet et les Bureaux de la Marine," in Ehrard, ed. *Malouet*, 25-34.; and Lemay, 627. These authors disagree on the date of Malouet's employment for both of these positions, as Perrichet had Malouet at the French consulate in Lisbon in 1759 while Lemay in 1758, and Perrichet for the *Armée de l'Allemagne* from 1760-1763 while Lemay from 1761-1762.

¹⁶⁸ Perrichet, 26-28.

That same year he was again promoted to the position of interim *Ordonnateur du Cap*, Saint-Domingue's second-ranking political appointment.¹⁶⁹

Malouet returned to France from Saint-Domingue in 1773.¹⁷⁰ Shortly after the death of Louis XV, Antoine de Sartine took up the post of Minister of the Marine and asked Malouet to compose a report on the state of Saint-Domingue. In the preceding years, many *colons* had become restless in their opposition to the *Métropole's* colonial policies, particularly to a prohibitive law known as the *exclusif* that gave France a virtual monopoly on its colonies' trade. Evidently satisfied with Malouet's report, Sartine assigned him to assess the feasibility of the latest proposal to colonize Guyana, which led to his appointment as its highest-ranking administrator. The reports written for both of these occasions, alongside reports on Saint-Domingue, were later published as the *Collection de mémoires et correspondances officielles sur l'administration des colonies* (1802).¹⁷¹ This collection demonstrates the consistency of Malouet's politics, and in many instances explicitly delineates the principles and considerations which shaped his decision-making.

The reports on Saint-Domingue reveal that Malouet firmly opposed the *exclusif's* opponents, but advocated a mitigated form of protectionism that addressed the *colons'* grievances without yielding to their demands for its outright abolition. His report began by quoting “l’immortel” Montesquieu,¹⁷² arguing that the relationship between the colonies and the *Métropole* was reciprocal, the latter providing protection to the former in exchange for favoured trade:

“L’extension du commerce national est la raison qui a fait établir la colonie, le sacrifice de sa liberté est la condition de son existence, le prix de la concession du sol et de la protection

¹⁶⁹ *Ibid.*, 27.

¹⁷⁰ *Ibid.*, 28-29.

¹⁷¹ Malouet, *Collection de mémoires et correspondances officielles sur l'administration des colonies, et notamment sur la Guiane française et hollandaise*, vol. 1 (Paris: Baudouin, 1802), 1-45.

¹⁷² *Ibid.*, vol. 4, 160.

du souverain, c'est la foi et l'hommage du vassal [. . .] il est donc contre l'esprit de l'institution d'accorder aucun avantage à la colonie qui puisse nuire à la métropole, la mesure de la prospérité de l'une doit être celle de l'intérêt de l'autre."¹⁷³

Although he wrote that the relationship between France and Saint-Domingue was akin to that of a feudal lord and his vassals, he readily acknowledged that the *colons* had reason for complaint as many intolerable problems existed with France's supply of goods to the colony. He therefore proposed several changes in policy to address their grievances. Nevertheless, he argued that it was the *colons'* duty to continue to buy all that the *Métropole* could provide, even if it meant paying higher prices. But even the commercial ties ought to be sought from the Spanish, rather than France's principal rival, Great Britain, as Malouet clearly viewed any commerce with the latter as harmful to the entire French colonial system, despite possible short-term benefits.¹⁷⁴ Malouet's policy was thus characterized by a willingness to compromise, and he provided a feasible alternative to the *colons'* insistence on free trade and some of the royal administrators' unyielding defence of the *exclusif*.

A considerable portion of the report was also dedicated to the reform of Saint-Domingue's political institutions, judicial system, and administrative practices. Malouet was particularly critical of the sharing of authority between Saint-Domingue's top-ranking military and civil administrators. These two sources of authority, he argued, often gave contradictory orders and governed as if they were in direct competition with one another. Likewise, the system was dependent on the personality of two leaders. In his opinion, a system rooted in fixed forms, freed from the shocks that accompanied changes in leadership, should replace the discordant nature of the present system: “Alors on doit s'attacher à rendre la stabilité du gouvernement indépendante de ses agents [. . .] les subordonner à un plan, à des

¹⁷³ Ibid., 162.

¹⁷⁴ Ibid., vol. 4, 171-204.

principes qui soient toujours les mêmes.”¹⁷⁵ The current system was conducive to the pursuit of contradictory policies, which only served to undermine its credibility and legitimacy. He proposed to stabilize the state with a constitution that “dérivent des lois claires et précises, et une distribution de pouvoirs qui ne se croisent point dans l'exécution.”¹⁷⁶ Undoubtedly influenced by France's absolutist government, and perhaps even by Rousseauian concepts of the the indivisibility of sovereignty, Malouet argued that power was necessarily weak when it was shared, as it was indispensable that “l'autorité soit une et que le gouverneur gouverne.”¹⁷⁷

To ensure enlightened rule and the prompt execution of orders, Malouet advocated the establishment of a new body that would oversee and record the government's actions: “un conseil privé, ou une commission d'administration subordonnée au général et à l'intendant, dont les membres, toujours anciens, seraient chargés d'éclairer les deux hommes, souvent nouveaux, qui gouvernent la colonie. Il n'auraient pas le droit de les arrêter, de les contrarier lorsqu'ils auraient prit un parti absolu.”¹⁷⁸ This proposed council would essentially be advisory rather than a parliament. The raising of taxes and matters relating to the colony's budget were a different matter, as it was essential that *colons* approve all impositions. This had been the colony's original constitution, which years of bad administration had corrupted: “Le roi a voulu que les colons connussent leurs besoins, et y pourvussent dans une assemblée dite nationale.”¹⁷⁹ To ensure the equitable taxation of the *colons* they had to be granted the power to “autoriser et recréer l'assemblée des représentants de la colonie, pour délibérer sur l'impôt [. . .] faire parvenir au ministère ses représentations et observations sur les vices et abus, sur

¹⁷⁵ Ibid., vol. 4, 260.

¹⁷⁶ Ibid., vol. 4, 251.

¹⁷⁷ Ibid., vol. 4, 256.

¹⁷⁸ Ibid., vol. 4, 262.

¹⁷⁹ Ibid., vol. 4, 321.

les détails de règlements à faire, etc.”¹⁸⁰ His insistence on the necessity of acquiring the consent of Saint-Domingue's notables in matters of taxation and his argument that the executive ought to be given widespread powers to maximize its ability to govern effectively suggest that Malouet was influenced by the writings of Physiocrats such as Anne Robert Jacques Turgot, while, as we shall see, he rejected other aspects of their doctrine.

The *Collection's* volumes on Guyana were written to prevent the government from implementing a utopian plan. They highlight the logic that led Malouet to approve or disapprove of administrative strategies and the considerations which guided the construction of his own policy. He argues against a proposal to send two hundred J suit missionaries to the south of Guyana. They were to establish one hundred and fifty villages peopled with the colony's presumed hundred thousand natives, who were to be converted to Christianity and subsequently to an agricultural and pastoral lifestyle. Further, ten additional villages composed of marooned ex-slaves from Surinam were to be established, as the Dutch colony held an estimated fifty thousand of these ex-slaves, who were to be actively attracted to Guyana by the prospect of liberty and protection. According to the plan, these reforms were to transform Guyana into the main supplier of goods to the French West Indies, even commercially trumping the American colonies.¹⁸¹

To begin his case against the plan, Malouet wrote a brief history of French involvement in Guyana, citing past attempts at colonization and the reasons for their failures, which he then compared to Saint-Domingue.¹⁸² He argued that the successful colonization of Guyana had to be founded on experience rather than speculation: “On ne peut pas r voquer en doute des t moignages multipli s, des exp riences constat es; et en r duisant toutes les exag rations des enthousiastes de la Guiane, il est

¹⁸⁰ Ibid., vol. 4, 355-356.

¹⁸¹ For more on Bessner's plan, see Rodolphe Robo, “Malouet en Guyane,” in Ehrard, ed. *Malouet, 1740-1814*, 55.

¹⁸² Malouet, *Collection*, vol. 1, 63-92.

toujours certain que cette grande possession peut devenir infiniment précieuse à la France.”¹⁸³ History and experience had demonstrated that the genuine reasons for France's repeated failures in Guyana were the *Métropole's* long-term neglect of sustained trade with the former, and its inability to ensure communication between the colony, itself, and other French possessions. This neglect had led to Guyana's inability to develop industry and commerce, consequently rendering the *colons* lazy, ignorant, unable to overcome their poverty, and unwilling to improve their lot and that of the colony. Compared to Saint-Domingue, Guyana was a disgrace, despite the similarity of their soils and climates.¹⁸⁴ Simply put, poor administration was responsible for Guyana's stagnation: “Telle est la véritable cause de la prospérité des Antilles, et de la langueur de Cayenne [Guyana's capital]. Et faute d'y avoir réfléchi, on a mal vu, mal jugé cette colonie, ainsi que les moyens de la rendre florissante. On les a tous tentés, hors ceux dont l'expérience et la sagesse pouvaient assurer le succès.”¹⁸⁵ To understand Saint-Domingue's glorious achievements and Guyana's dismal failure, he argued, one had to examine the differences in the long-term administrative practices in both. Success lay in reasoned historical analysis, and the sustained implementation of a well-considered plan.

Malouet's *Collection* also contained a piece, entitled *Examen du système des économistes*, in which he was critical of the influence of metaphysics in politics. He summarized the thought of the *Économistes* as “une explication systématique de tous les principes par un seul, de tous les rapports, de tous les moyens, de tous les effets par une seule cause.”¹⁸⁶ First principles and generalizations were seductive, Malouet warned, but were inapplicable to the daily lives of Frenchmen. To be fair, he continued, “il est donc impossible de leur [the *Économistes*] refuser l'amour de l'ordre, l'enthousiaste du bien, et les moyens de l'opérer dans une société naissante que fonderait un Pen en Amérique. Mais, où

¹⁸³ *Ibid.*, 63.

¹⁸⁴ *Ibid.*, 64-66.

¹⁸⁵ *Ibid.*, 66.

¹⁸⁶ Malouet, *Collection*, vol. 1, 158

somme nous? Quels pays, quelles mœurs sont les nôtres?”¹⁸⁷ America, whose social reality was radically different from that of France, could not realistically be taken as an example for French policy-making. To generalize from principles was irresponsible, for one had to see *what is*, rather than *what ought* to be.

This brief sketch of Malouet's pre-revolutionary career and writing reveals him to be a pragmatist. When addressing political or administrative matters, he thought in practical terms, using historical examples as guidance in his course of action. Self-interest undoubtedly played a major role as well, but seemed to be subordinated to his conception of the public good and that of the state, as he showed when siding with the royal government against the *colons'* demand for the banning of the *exclusif*. Generally, he tended to side with the elite, those already in power, lest innovations be accompanied by instability, and his constant fear of disorder led him to support policies denounced by his contemporaries as unjust. Despite the odd appeals to the authority of *philosophes*, he considered their influence undesirable and even dangerous when dealing with politics, and would have undoubtedly categorized the next Monarchien as an interloper.

Nicolas Bergasse was born in Lyon on January 24 1750 to a wealthy commercial family. According to his biographer, the Bergasses were austere Catholic and every aspect of their personal lives was shaped by their faith.¹⁸⁸ Bergasse was educated at the *Petit Collège Notre-Dame* in Lyon, which was directed by the Jesuits until 1762 and then taken over by the Josephites. Upon completion he immediately found employment at several Oratorian *collèges* teaching rhetoric and philosophy, two

¹⁸⁷ Ibid., 160-161.

¹⁸⁸ See Louis Bergasse and Étienne Lamy, *Un défenseur des principes traditionnels sous la Révolution: Nicolas Bergasse 1750-1832* (Paris: Perrin, 1910), 1-17 for Bergasse's early life. This work makes use of many unpublished sources kept at the Bergasse family estate. Unfortunately, many of his claims do not properly document its sources. The information in this chapter was later reworked by Jean-Denis Bergasse in his *D'un rêve de réformation à une considération européenne: MM. Les députés Bergasse (XVIIIe-XIXe siècles)*. (Monpellier: Cessenon, 1990).

fields in which he had distinguished himself at *Notre-Dame*.¹⁸⁹ It was during this period that Bergasse's philosophy crystallized into its definitive form, one that considered political and juridical matters as inextricably linked to morality and religion. The pre-revolutionary career and ambitions of the young Bergasse give little indication that he would subsequently be considered among the leaders of a group reputed for their political pragmatism and contempt of philosophy. As we shall see, it was foremost as a *philosophe* that he hoped to make his mark.

By 1770 he had read works such as Locke's *Two Treatises of Government*, Montesquieu's *Esprit des Loix*, Voltaire's *Essai sur les Moeurs*, Rousseau's *Contrat Sociale*, *Discours sur l'origine et les fondements de l'inégalité parmi les hommes*, and *Émile*, Helvétius's *De l'Esprit*, d'Holbach's *Système de la Nature*, Beccaria's *Traité des délits et des peines*; and the *Encyclopédie*. His later work, however, reveals that Bergasse read these tracts with a critical eye, particularly in regard to the anti-Catholicism and outright atheism of many of the authors, which he viewed with horror. His desire for political, social, and judicial reform was nonetheless stimulated, if not sparked, by these *philosophes*. Also due to the controversial trials of Jean Calas (1762), Pierre-Paul Sirven (1763), Jean-François Lefevre de la Barre (1765), Lally-Tollendal (1766), and Montbailli (1770), Bergasse was convinced of the necessity of reforming France's justice system. He thus opted for a career in law, where he thought he would be given ample opportunities to press for change.¹⁹⁰

In 1771 Bergasse returned to Lyon to study law. He began to write during this period, and several pieces survived. One such piece is his *Discours sur l'honneur*, in which he argued that honour was the quintessential characteristic of the punctilious magistrate. Honour ensured that magistrates used their powers not to “fatiguer l'humanité” with inappropriate displays of pomposity, but “pour la

¹⁸⁹ Louis Bergasse, 6-7.

¹⁹⁰ Louis Bergasse, 8-9.

soulager et la servir,”¹⁹¹ and ensure the maintenance of their independence: “Vous êtes délégués du prince afin de rendre la justice à ses peuples [. . .] Mais ce que le prince veut, convient-il que vous le vouliez toujours? N'y a-t-il pas des occasions, heureusement assez rares, où vous devez non pas résister à son autorité, mais fixer vous même un terme à votre obéissance?”¹⁹² Written at a time when tensions were mounting between the *parlements* and royal authority, his opinion here clearly aligns him with the former. He considered the separation of the judicial from the executive branches of power as a prerequisite to the elimination of the arbitrary dispensation of the law.

In a 1773 speech entitled *Discours sur l'Humanité des Juges*, Bergasse argued that only a sincere love for humanity could moderate the magistrate's urge to administer severe sentences. It was unfortunate, he lamented, that a man's title and wealth often determined the degree of his sentence's severity:

“La loi nous dit en vain que tous les hommes sont égaux a ses yeux. L'habitude est en nous plus forte que la loi [. . .] Quel que soit leur humiliation [the wealthy's] présente, de quelque infamie que le crime les ait couverts, nous ne pouvons les séparer de leur fortune, l'opinion publique les protège encore jusque dans le sanctuaire des lois[. . .] Que le sort du pauvre est différent! C'est avec lui qu'on s'applaudit d'être sévère, c'est contre lui que pour mieux entendre la voix de la justice, on se rend inaccessible et sourd à celle de la pitié [. . .] s'il y avait une distinction à faire entre l'homme et l'homme, elle devrait être toute à l'avantage du malheureux.”¹⁹³

Likewise, French society was filled with inequities comparable to those of the justice system.

During this period, he also wrote an essay entitled *Discours ou réflexions sur les préjugés*, in which he argued that prejudices were a social necessity.¹⁹⁴ The piece outlined his conception of the lower classes, religion, morality, liberty, and sovereignty. Bergasse, unlike many of the *philosophes*

¹⁹¹ Nicolas Bergasse, *Discours sur l'Honneur* (1772), quoted in Louis Bergasse, 11.

¹⁹² Nicolas Bergasse, *Discours sur l'Honneur* (1772), quoted in Louis Bergasse, 11.

¹⁹³ Nicolas Bergasse, *Discours sur l'Humanité des Juges* (1773), quoted in Louis Bergasse, 12.

¹⁹⁴ *Ibid.*, 14.

who tended to view prejudices negatively, considered prejudices as required for the formation of proper opinions on many important subjects that the labouring classes had little prospect of lucidly understanding due to a lack of education and leisure.¹⁹⁵ The greater part of society was therefore necessarily unfit to participate in politics, a herd to be shepherded by the more enlightened segment of society from which the Bergasses had emerged, and whose wealth allowed their mastery of the principles required to govern responsibly.

Religious teachings were best suited for instilling desirable prejudices, without which morality would decay, leading to the inevitable degeneration of society. If religion were taken out of the political equation, Bergasse wrote, “ce ne serait pas seulement le cœur, mais l'intelligence des peuples qui deviendrait corrompue, et si un tel ordre de choses pouvait durer, il n'y a pas de crimes, d'extravagances, de folies sérieuses auxquelles il ne fallut s'attendre.”¹⁹⁶ Further, Bergasse's definition of liberty and sovereignty significantly differed from that of many of his contemporaries, as he located their source in God. He differentiated real sovereignty, which resided only in God, with presumed sovereignty, which resided in a monarch. A prince, however, was “respectable que parce qu'elle est représentative de la souveraineté réelle [God];” he was as fallible as the next man, whose errors were especially destructive because their impact often reached the whole of society.¹⁹⁷ This was an implicit rejection of divine right theory, according to which a monarch's right to govern was God-given. Liberty, defined by Bergasse as the freedom to remain faithful to morality and religion, was likewise far beyond the reaches of a king, or to those of an abstract nation. In an obvious reference to Rousseau, he argued that:

¹⁹⁵ Louis Bergasse, 15.

¹⁹⁶ Quoted from Louis Bergasse, 15.

¹⁹⁷ *Ibid.*, 16

“Une nation n'a pas plus de droit sur ma liberté qu'un monarque; et si la souveraineté, comme on le prétend, ne réside pas dans les monarques, je ne vois pas qu'elle réside davantage dans les nations. Une volonté souveraine sur la terre, c'est-à-dire une volonté qui par cela seul qu'elle commande, enchaîne la conscience, est un dogme absurde, destructeur de toute espèce morale.”¹⁹⁸

Thus liberty was an equally dangerous concept when equated with the will of the people.¹⁹⁹ Yet, he was not the advocate of a theocratic polity, as he never supported the supreme rule of ecclesiastical authorities, nor would he have France's clergy established as councils to judge whether the king was ruling according to God's laws. Morality, necessarily upheld by religion, was for Bergasse inseparable from politics.

Upon acquiring his credentials as a lawyer in late 1774, Bergasse moved to Paris to establish a practice. His real attraction to the city, however, lay in its vibrant intellectual life, where he hoped to gain repute as a *philosophe*. He thus became a regular at many salons, but notwithstanding his efforts and influential acquaintances, Paris failed to meet Bergasse's expectations as fame and widespread recognition continued to elude him. His disappointment led to fits of depression, and he allowed his frail health to deteriorate, until in April 1781 he submitted himself to the care of Franz-Anton Mesmer and his Society of Universal Harmony, the practitioners of the occult pseudo-science known as Mesmerism or 'Animal Magnetism.'²⁰⁰ Through the channeling of what he termed 'mesmeric fluid,' Mesmer claimed to hold the solution to virtually all of life's afflictions: people supposedly became ill when deprived of a proper balance of the said fluid, and once restored, their health would correspondingly recover. Mesmer, however, refused to disclose the secrets to manipulating the fluid, was scrutinized by France's academies, and subsequently became the target of multiple attacks from the

¹⁹⁸ Ibid.

¹⁹⁹ Ibid., 16.

²⁰⁰ Ibid., 20-28.

medical establishment. Bergasse became extremely involved in the movement, writing texts in its defence and developing Mesmer's theories, therefore prompting a contemporary to note: "There are plenty of sympathizers in Paris who would like to 'Bergassize' as much as Mesmerize."²⁰¹

Mesmerism thus became a major influence in Bergasse's politics.²⁰² According to Robert Darnton, Bergasse sincerely believed in the movement and saw Mesmerism as indispensable to France's regeneration.²⁰³ However, Jacques Pierre Brissot, another dedicated Mesmerist and close friend of Bergasse in the years prior to the Revolution, wrote:

"Bergasse ne me cacha pas qu'en élevant un autel au magnétisme, il n'avait en vue que d'en élever un à la liberté. Le temps est arrivé, me disait-il, où la France a besoin d'une révolution. Mais vouloir l'opérer ouvertement, c'est vouloir échouer; il faut, pour réussir, s'envelopper du mystère; il faut réunir les hommes sous prétexte d'expériences physiques, mais, dans la vérité, pour renverser le despotisme."²⁰⁴

Whether Bergasse sincerely believed in Mesmer's doctrine or whether he used it only as a vehicle to promote his own political agenda is not clear, but his involvement in the movement, and particularly his defense of Mesmer as he became the target of public attacks, had strong political overtones.

Mesmerism seemed to mark a shift in Bergasse's political priorities. While he continued to consider morality and politics as two sides of the same coin, he thereafter made the elimination of legal and fiscal privilege a defining characteristic of his proposed reforms. It may be that while in Paris he had been swayed by the radicalism of the likes of Sieyès and Brissot, or that he blamed the 'privilege' bestowed upon certain writers for his own literary failures. At the very least, we can conclude that he considered Mesmer's struggle against the academies' 'despotism' as that of all of France's non-

²⁰¹ Quoted from Robert Darnton, *Mesmerism and the End of the Enlightenment in France* (Cambridge, MA: Harvard University Press, 1968), 77.

²⁰² For more on Mesmerism, see the above work by Darnton.

²⁰³ Darnton, chapters 2-4.

²⁰⁴ Jacques-Pierre Brissot, *Mémoires (1784-1793)*, ed. Claude Perroud, (Paris: A. Picard & fils, 1911), Tome II, 54.

privileged. In 1781, for instance, Bergasse wrote with regard to established medicine: “It is important to maintain, as a constant civilizing influence, all the prejudices that can make medicine respectable [. . .] The corps of doctors is a political body, whose destiny is linked with that of the state [. . .] thus within the social order, we absolutely must have diseases, drugs, and laws.”²⁰⁵ Moreover, Mesmerism taught that all beings were bound to the same natural laws and were the equal recipients of the same energy.²⁰⁶ From this premise it was easy to conclude that all privilege was contrary to the divine plan. Consequently, Mesmerism could be construed as a threat to France's established corporate hierarchy. Bergasse therefore insisted that the royal commission report declaring Mesmerism a hoax published in 1784 was skewed, written by men with vested interest in preservation of the status quo.²⁰⁷

At the time of its publication, the report gave members of Mesmer's Society reason to believe that royal authorities were on the verge of outlawing Mesmerism.²⁰⁸ Bergasse, urged by his fellow Mesmerist d'Éprémesnil, thus sent a petition to the Paris *Parlement* to obtain special protection from a presumably forthcoming *lettre de cachet*. By denouncing the royal commission's report as inhumane and despotic, he was able to gain the *parlements'* support against potential persecution by royal agents.²⁰⁹ Bergasse, not unlike Lally-Tollendal, had used the tensions between the *parlements* and royal authorities to gain support for a personal but politically-linked cause. Mesmer, however, soon found that the Bergasse faction, which in addition to d'Éprémesnil included the rich banker Guillaume Kornmann, held too much influence within the movement and banished the three in May 1785. Henceforth, the renegade faction held their meetings at Kornmann's home, which became a hotbed of anti-ministerial activities with consequences that will be explored in the following chapter.

²⁰⁵ Quoted from Darnton, 84.

²⁰⁶ Nicolas Bergasse, *Considerations sur le magnetisme animal ou sur la théorie du monde et des êtres organisés d'après les principes de M. Mesmer* (La Haye: 1784), 41-44.

²⁰⁷ *Ibid.*, 24-25.

²⁰⁸ Nicolas Bergasse, *Observations de M. Bergasse sur un écrit du docteur Mesmer* (London: 1785), 27.

²⁰⁹ *Ibid.*, 28.

Several important trends ran through Bergasse's pre-revolutionary writing, such as the apparent contradiction between his scorn for privilege and his contempt for popular participation in politics. But these positions need not necessarily be mutually exclusive, as Bergasse's elitism derived from his family's wealth, the result of their enterprising spirit and commercial success, not of their birth. He recognized the necessity of disparities in wealth and social standing, but those imposed by France's corporate hierarchy were contrary to reason as they served to prevent men of talent from reaching their potential. More than any other factor, it was his unsuccessful career in Paris that drove his attack on privilege. Among his earliest writing, one can also find an admiration for the separation of powers, though at this stage, unlike Lally-Tollendal, he said nothing of the *parlements'* pretense to simultaneously hold legislative and judicial power. He was instead concerned with checking royal authority, which he viewed as the greatest threat to French liberties, despite his interest in the 1760s judicial *causes célèbres*. The counter-force of the *parlements* to the potential despotism of the king and his ministers far outweighed the institutional defects of the former, for if they were eliminated, what was to prevent France from falling into the kind of decrepitude of the despotic states described by Montesquieu?

Taken collectively, the Monarchiens's pre-revolutionary careers reveal a politically disparate group of men, particularly regarding their partisanship within the *Ancien Régime's* struggles between the supporters of the *Thèse Nobiliaire* and of the *Thèse Royale*. For Mounier and Clermont-Tonnerre, we possess insufficient evidence to gauge accurately their allegiance in this period. Lally and Malouet, however, were loyal supporters of royal authority who considered the *parlements* to be political interlopers whose influence was detrimental to good governance. Lally saw their power as the gravest

threat to French liberties, while Malouet considered their claim to possess the power to check royal authority as impractical and undesirable. Conversely, Bergasse supported the *parlements*, without championing them like Lally and Malouet championed the cause of the king. Moreover he seemed to be fully aware that the rivalry between the king and *parlements* could be exploited to gain personal advantage.

Some noteworthy similarities did exist among the five. The most obvious of these is their common origin from affluent families, although the degree of wealth each possessed ranged from extremely opulent to comfortable. Only Lally and Clermont-Tonnerre, however, were nobles; the others were from the Third Estate. Mounier and Bergasse were lawyers by trade, although the latter saw the vocation only as a means to the end of becoming a famous *philosophe* and influencing government policy. Malouet was an experienced senior administrator. Clermont-Tonnerre hesitated between diplomatic and military positions, with the hope of becoming a successful writer, while Lally-Tollendal was a courtier. Only Malouet could boast an exceptionally successful professional career: Lally's life had been entirely devoted to the exoneration of his father, that of Clermont-Tonnerre was marked by indecision and ineffectiveness, Bergasse neglected his practice despite his failure to gain notoriety as a *philosophe*, and Mounier's career was stable but not particularly notable.

Bergasse and Clermont-Tonnerre both perceived themselves as writer-*philosophes*, at odds with Malouet, the prototype of a pragmatic politician who made his disdain of philosophy explicit, and whose interest rested in providing solutions to the limitations of an inefficient absolutist system. Mounier and Lally were both acquainted with the political tracts of their time, particularly those originating from Britain. The former enthusiastically kept pace with the English-speaking world, while the latter was particularly familiar with the British judicial system. Only these two seem to have been

long-time admirers of the British by the outset of the Revolution. The others, as we shall see, only gave faint signs of their admiration as the Revolution neared. Neither Mounier nor Lally, however, seemed interested in metaphysics. Bergasse, like Lally, prioritized judicial reforms, but also placed social reforms at the top of his agenda. Likewise, Clermont-Tonnerre's reforming tendencies seem to have stemmed at least in part from his dissatisfaction with *Ancien Régime* social arrangements. Finally, all were somewhat acquainted with the *philosophes*, although Bergasse and Clermont-Tonnerre were more so than the others.

To contemporary observers, it would have seemed unlikely that these men would later form the nucleus of a political faction. The evidence points rather to men who, within the context of contemporary politics, supported different causes. The Revolution would sweep away much of what remained of the *Ancien Régime's* tensions between royal authority and the *parlements* by introducing a third major force, the people, but some of the past tensions persisted. Indeed, the Monarchiens's subsequent role in the counter-revolution was rendered ineffective partly by the distrust of reactionaries, such as the old *parlementaires* and the Artois faction. These tensions, as the remaining chapters will demonstrate, became blurred as the Revolution neared, but would nonetheless re-emerge during the constitutional debates.

Chapter 3

Between Politics and Ideology: the Monarchiens as *Patriotes*

This chapter will focus on the Monarchiens' role in the financial and political crisis of 1787-89. For the most part, the disparate and relatively obscure men introduced in the last chapter were catapulted to the forefront of political life as a result of their involvement in the crisis. As the situation evolved they drew first on the anti-ministerial and then on the anti-*parlementaire* discourses that had dominated French politics since the seventeenth century, but by late 1788 these had both been eclipsed by a third ideological *Thèse* that amalgamated elements of both with concepts of national sovereignty.²¹⁰ Those who deployed this new discourse were broadly denoted by contemporaries as *Patriotes*,²¹¹ a diverse group of constitutional reformers whose differences became significant only following the convocation of the Estates General. The objectives of the five Monarchiens were essentially those of the *Patriotes*, who likewise supported the establishment of a constitutional monarchy. To demonstrate that the Monarchiens, for the most part, were changing their positions in relation to political circumstance, we will examine the available evidence for each chronologically and link them to the political developments.

Several important variables emerged in their pre-revolutionary discourses. These included their historicist accounts of the crisis' cause, the existence or non-existence of a constitution, the *parlements'*

²¹⁰ For an authoritative summary of the evolution of pre-Revolution's rhetorical battles, see Dale Van Kley, "New Wine in Old Wineskins: Continuity and Rupture in the Pamphlet Debate of the French Prerevolution, 1787-1789," *French Historical Studies* 17 (1991), 447-465.

²¹¹ The term *Patriotes* will be used in this chapter to denote the broad oppositional movement that first opposed Brienne's Edict, called for the Estates General, the establishment of a constitution, and supported the political empowerment of the Third Estate. This chapter's references to the ministerial and *parlementaire* political conflict derive from the extant literature on the subject. For the long-term evolution of the anti-absolutist and anti-aristocratic struggle, as well as its religious dynamics, see Dale Van Kley, *The Religious Origins of the French Revolution: From Calvin to the Civil Constitution, 1560-1791* (New Haven, CT: Yale University Press, 1996). For an analysis of the evolution of the language and rhetoric used by these antagonists in the latter half of the eighteenth-century, see Keith Baker, *Inventing the French Revolution: Essays on French Political Culture during the Eighteenth Century* (Cambridge: Cambridge University Press, 1990). For a review of the role of history in the pre-revolutionary debates, see Van Kley, "New Wine in Old Wineskins." For the *parlements* and eighteenth-century French politics, see John Rogister, *Louis XV and the Parlement of Paris, 1737-1755* (Cambridge and New York: Cambridge University Press, 1995), Julian Swann, *Politics and the Parlement of Paris under Louis XV, 1754-1774* (Cambridge: Cambridge University Press, 1995). For the Monarchiens or Anglophile stream within the *Patriote* movement see Daniel L. Wick, *A Conspiracy of Well-Intentioned Men: the Society of Thirty and the French Revolution* (New York and London: Garland Publishing, 1987).

legitimate historical and future role in government, and the relationship between the major branches of government. In their inconsistency and ideological volatility they closely followed the writings of many *Patriotes* who likewise often shifted positions. Constant themes, however, could also be found, such as the necessity of dividing the powers (though the degree to which these would be kept apart varied), their mutual insistence on the need for a union of orders, their opposition to social 'levelling', their contempt for popular participation in politics, their Anglophilia, and their insistence on a constitution that retained the king as the supreme organ of power. In the vast sea of political tracts that emerged in this period these last two points distinguished them from most other renowned *Patriotes*. An elastic understanding of the British constitution and an often equivocal treatment of the relationship between the king and the Estates General made the Monarchiens' ideological coherence superficial at best.

Mounier's leadership of the Dauphiné revolution transformed him into a *bona fide* national hero in 1788-89.²¹² At the '*Journée des Tuiles*' of 7 June 1788 Grenoble's population kicked off their revolution through violent opposition to enforcement of the May Edicts, a sweeping measure taken by the minister Loménie de Brienne that abolished the *parlements* and replaced them with a *Cour plénière*, so that the king could raise taxes and avert an impending bankruptcy; Grenoble was the seat of a *parlement* and immediately condemned the Edicts as despotic. Grenoble's notables were shortly thereafter convinced by a group, led by Mounier, to hold an assembly which produced a declaration that mapped out their principles.²¹³ Among the declaration's central points was the need to veer the oppositional initiative from popular forces back to the elite. Grenoble, it warned, had barely escaped

²¹² For a detailed analysis, see Jean Egret, *La Révolution des Notables: Mounier et les monarchiens, 1789* (Paris: Colin 1950).

²¹³ Egret, *La Révolution des Notables*, 12-15.

unscathed from the recent public disturbances.²¹⁴ The momentary anarchy was as disquieting for Mounier and his fellow notables as it was for royal authority, and the averting of further disorders and contempt for popular participation in politics were henceforth defining features of Mounier's politics. Thus originated the Dauphinois' union of orders, as only cooperation, accommodation, and sacrifice among orders could ensure the political success of opposition and avert further disturbances. Consequently, the disorders were blamed on “la misère publique”²¹⁵ caused by the exile of the magistrates, which deprived the people of work. Only if royal authority allowed the nation's notables a voice in the reform of abuses would anarchy be prevented.

For the latter purpose the Grenoble assembly demanded reinstatement of the *parlements*, reestablishment of Dauphiné's provincial estates, and convocation of the Estates General. It was assumed that the entire nation had some interest in the above demands: the doubling of the Third for the provincial estate and Estates General would provide it with the significant political voice it had heretofore lacked; the nobility of the robe would obtain the reinstatement of their *parlements* and that of the sword would re-assert their influence through the provincial estates.²¹⁶ While the Third's influence would equal that of the other orders, this would be offset by the increase in regional autonomy aristocrats had long demanded. Not surprisingly, the declaration had distinctively anti-ministerial tones, with the May Edicts depicted as a fatal subversion of France's monarchical constitution which would inevitably lead to the nation's enslavement.²¹⁷ Their strategy was successful and on 29 June Loménie de Brienne partially acceded to the Dauphiné's demands with the approval of provincial assemblies and of an eventual convocation of the Estates General.

²¹⁴ Mounier, *Délibération de l'Hotel de Ville de Grenoble, 14 juin 1788* (1788), 2-3.

²¹⁵ *Ibid.*, 2.

²¹⁶ Egret, *La Révolution des Notables*, 13-15.

²¹⁷ Mounier, *Délibération*, 1-2.

Mounier's influence increased at the province's next major assembly on 21 July at Vizille, where he was elected as the assembly's secretary and charged with compilation of the Estates' minutes and their communication to the king.²¹⁸ Additionally his proposals for reform were adopted as the basis of the assembly's discussions.²¹⁹ His main demands were consistent with those of the previous assembly, as he re-emphasized the importance of unity among orders, denounced the attempts to impose new taxes as unconstitutional, demanded convocation of the Estates General and provincial assemblies, and called for reinstatement of the *parlements*. Likewise, he again relegated the lower segments of the Third to political irrelevance.²²⁰ In Mounier's communications to the king, however, these practical goals were justified ideologically with philosophical precepts. Rousseau, for instance, featured prominently as Mounier insisted that policies and law were legitimate only insofar as they represented the nation's "volonté général,"²²¹ although the nation was generally meant to exclude the lower segments of the Third Estate. It was clear that the May Edicts, with the general wave of opposition they provoked, went against this will.²²² Only the reinstatement of the provincial estates and the regular convocation of the Estates General could provide laws with the force required for effectiveness. Reforms, as necessary as they might be, would fail unless consented to by the nation. While privilege, whether that of the first two orders or of the provinces, would in some instances have to be sacrificed for the good of the whole, this did not warrant the rejection of privilege in its entirety: "Sire, la province de Dauphiné, en rappelant les droits de la France entière, ne doit pas oublier ceux qui lui sont particuliers." Moreover, "en parlant de nos privilèges nous sommes bien éloignés de vouloir

²¹⁸ Mounier, *Assemblée des trois ordres de la province de Dauphiné au château de Vizille, le 21 juillet 1788* (1788), 2.

²¹⁹ Egret, *La Révolution des Notables*, 18.

²²⁰ Mounier, *Assemblée des trois ordres de la province de Dauphiné*, 3-4; in the *Documents Historiques sur les Origines de la Révolution Dauphinoise de 1788, publiés sous les auspices de la Municipalité à l'Occasion de Fêtes du Centenaire* (Grenoble: 1888), 60. The Third's deputies are described as "magistrats, avocats, médecins, procureurs, notaires, bourgeois, négociants, et syndics de différents corps."

²²¹ Mounier, *Très-Respectueuse Représentations des trois Ordres de la Province de Dauphiné* (1988), 1.

²²² *Ibid.*, 4.

abandonner les intérêts des autres français.”²²³ Such ideological tensions may seem glaring to modern observers, but would not necessarily have struck those familiar with American and British politics as contradictory. In these two countries, the balance of interests were considered requisites of the public good, and, as we have previously seen, Mounier enthusiastically followed the politics of both.

In the letter Mounier had written to the king, the Estates General was considered far superior to the *parlements*: “Les parlements, revenus d'une longue erreur, en firent généreusement l'aveu: ils déclarèrent qu'ils n'étaient pas les représentants de la nation; que les impôts ne pouvaient être établis sans son consentement; qu'ils n'avait pas le droit de le [the Estates General] suppléer. Ils demandèrent la convocation des états-généraux, qui seuls avaient la force nécessaire de lutter contre le despotisme des ministres.”²²⁴ It was time, then, for *parlementaires* to yield to the nation's true representatives in the Estates General. By emphasizing the Estates' supremacy, Mounier had confirmed a political vision akin to that of Mably, who had argued for France's need to establish a true representative system, rather than that of Boulainvilliers, who had considered the *parlements* as representative institutions essential for the preservation of liberty.

Vizille proved to be another victory for the Dauphinois. The king allowed them to reassemble periodically in Romans from 5 September to 16 January for the purposes of composing a provincial constitution,²²⁵ seeking royal assent for its promulgation, electing the Dauphiné's deputation to the Estates General, and writing their mandates.²²⁶ As aristocratic insistence on adopting the 1614 forms increased in the autumn of 1788, so too did contempt for the nobility's *esprit de corps*, which

²²³ *Ibid.*, 5.

²²⁴ *Ibid.*, 3.

²²⁵ Which, according to a letter from the Dauphiné's *Intendant* Caze de la Boze, was primarily composed by Mounier and his fellow lawyer Barthélemy d'Orbanne. *Lettre à Necker*, 29 novembre 1788. B.G. R 6314.

²²⁶ Egret, *La Révolution des Notables*, 20

subsequently surpassed ministerial despotism as an object of denunciation. Nonetheless, Mounier continued to maintain that the role of the *parlements* was significant in national politics:

“Dès les premiers siècles de la Monarchie, des principes puisés dans le caractère d'une nation également fière et fidèle, posèrent des bornes au pouvoir et concilièrent la majesté des Rois avec la liberté des hommes. Le chaos du régime féodal fit oublier quelques temps leurs droits respectifs, mais il ne put les anéantir. Les anciennes formes reparurent avec l'établissement des Communes; toutes les classes des Citoyens en devenant immédiatement les Sujets du Roi, rentrèrent dans l'exercice des droits primitifs, et réunirent leurs vœux dans les Assemblées générales. On vit renaître à la fois l'autorité du Monarque et la liberté des sujets [. . .] Ainsi du sein du gouvernement féodal nacquit une magnifique constitution; un Roi législateur; *une Cour, organe suprême et dépositaire des Lois*, et l'Assemblée nationale, en qui réside exclusivement le droit d'accorder les subsides et de sanctionner les Loix nouvelles. La volonté active, SIRE, et la puissance de faire les loix, furent réservées à vous seul; à la nation, le libre consentement; aux Magistrats, de prononcer les loix établies.”²²⁷

This 'mythic past' was an amalgamation of Montesquieu's division of the executive, legislature, and judiciary with De Lolme's 'King in Parliament' division of the legislature between crown and assembly. In this system, however, it was the king who proposed laws and taxes, and the Estates which either approved or rejected them; the king did not possess a veto over legislation.

By October Mounier's politics had undergone a further metamorphosis as his rendition of France's past had significantly changed. Of the ancient constitution, he now wrote that: “Jusqu'à ce jour, messieurs, la France n'a point eu de constitution fixe qui garantisse les droits du Roi et ceux de ses sujets [. . .] Ne songeons plus à ce que nous avons été, mais à ce que nous voulons être aujourd'hui des Français libres sous un Roi.”²²⁸ A *tabula rasa*, however, remained altogether unthinkable.²²⁹ As for popular sovereignty, Mounier may have claimed to be acting on behalf of the 'people,' the 'nation,' or

²²⁷ Mounier, *Lettre écrite au roi par les trois ordres de la province de Dauphiné assemblés à Romans, le 14 septembre 1788*, 2-3. My emphasis.

²²⁸ Mounier, *Lettre écrite par plusieurs citoyens du clergé, de la noblesse et des communes de Dauphiné, à messieurs les syndics-généraux des États de Béarn* (1788).

²²⁹ For a brief synopsis of the constitution's salient points, see Egret, *La Révolution des Notables*, 21-22.

the 'communes,' but the Dauphiné's proposed constitution would eliminate the capacity for all but the wealthiest citizens to vote by stipulating property and tax requirements for nobles and the Third Estate.²³⁰

Mounier was nominated to represent the Dauphiné at the Estates General to the near-universal elation of his peers in December 1788, and grew bolder with the writing of his *Nouvelles observations sur les États-Généraux de la France*, published in February 1789. It was largely a response to the continued polarization of the debate on the Estates General's form and an attempt to temper its tone while simultaneously discrediting the defenders of privilege. This was also his first systematic discussion of his constitutional proposals. Two thirds of the work was another revised account of France's history in which he outlined the development (or lack thereof) of representative institutions. Privilege and self-interest were described as constant foils to the establishment of a constitution.²³¹ The absence of a constitutional order meant that no fundamental laws existed that could dictate the adoption of the forms of 1614, which were in any case the result of ministerial manipulation and religious fanaticism. If, as Mounier insisted, the form of the upcoming convocation was “la plus importante question qui jamais ait agité les esprits dans ce Royaume,”²³² it was simply ludicrous to rely on the 1614 forms, which were utter failures, for guidance.

In the absence of an adequate homegrown constitutional model, where were the French to turn? Despite Mounier's claim that “je ne suis pas un stupide admirateur des rivaux de France,”²³³ the *Observations* clearly point to the other side of the English Channel. Great Britain's history was used in

²³⁰ For a summary see Egret, *La Révolution des Notables*, 22.

²³¹ Mounier. *Nouvelles observations sur les États-Généraux de la France* (Paris: 1789), passim.

²³² *Ibid.*, 241.

²³³ *Ibid.*, 248.

justification of several aspects, such as the union of orders, of his program.²³⁴ Had not the Lords and Commons united to secure the *Magna Carta* from King John? Mounier proposed that a British-inspired model, which balanced France's distinctive interests by dividing the legislative branch between king, Peers, and Commons, would suit France's need to balance the power of the king, the aristocracy, and the Third Estate. As William Doyle argued, Mounier's ideal polity was De Lolme's 'King in parliament' model, in which the balance of powers hinged on the division of the legislature, rather than that of the *Esprit des Lois*' eleventh book, which described the need to separate the executive, legislature, and judiciary. This division was initially considered by Mounier as part of the historic fabric of French politics, but eventually became impractical in light of the *parlements*' reactionary opposition to the political enfranchisement of the Third Estate's elite.²³⁵ Mounier was primarily concerned with discrediting Montesquieu's justification of the “detestable” French Monarchy, in which the aristocracy figured as an indispensable bulwark against tyranny.²³⁶ Mounier's repudiation of Montesquieu, whose model he had previously used in his critique of ministerial despotism, reflected not an ideological aversion but rather the impracticality of elevating the *parlements*, as by February 1789 they were perceived by *Patriotes* as the greatest obstacle to the establishment of a sustainable constitution.

In the *Observations*, the king, as exclusive wielder of executive power and a crucial third of the legislature, would continue as the government's most important organ: “il faut, pour rendre impossibles tous les changements préjudiciables au trône, qu'aucune loi ne soit établie sans le libre concours de l'autorité royale.”²³⁷ But he argued that despotism was not to be feared, as the king's power would be constitutionally protected from aristocratic encroachment, which would eliminate the need for arbitrary

²³⁴ Ibid., 26.

²³⁵ William Doyle, “La Pensé Politique de Mounier,” in Francois Furet and Mona Ozouf, eds. *Terminer la Révolution: Mounier et Barnave dans la Révolution Française* (Grenoble : Presses Universitaires de Grenoble, 1990), 32.

²³⁶ Mounier, *Nouvelles Observations*, 212-15.

²³⁷ Ibid., 267-68.

measures such as *lettres de cachet*.²³⁸ The remaining portion of the legislature would be in the hands of a bicameral national assembly. The lower chamber, or “Chambre des Représentants” would allow freely-elected nobles and commoners to hold office. Its primary function would be to legislate new laws and consent to taxes.²³⁹ Although the “Chambre-Haute” would be composed of princes of the blood and distinguished members of the first two orders, it would not be closed to anyone sufficiently distinguished: “Tout homme qui serait noble ne le fût-il que d'un seul jour, serait éligible pour la première Chambre: un simple Citoyen pourrait même être élevé à la pairie, si le Monarque l'en jugeait digne.”²⁴⁰ It was utterly absurd, he continued, to bar distinguished commoners from this distinction for their lack of an illustrious family tree. Rather than birth, the main criterion would be capacity, meaning financial autonomy from both the Crown and the Representatives, as well as a vested interest in the *status quo*.²⁴¹ The upper house, Mounier stressed, was not to be confused with the proposed form of the Estates General in which the aristocratic orders would presumably use their powers in the defence of privilege. Great Britain's House of Peers provided him with a striking counter-example to this problem as it was understood to work for the benefit of the entire nation despite its aristocratic composition.²⁴² A powerful aristocracy was therefore not antithetical to the nation's interest so long as its power was properly channelled.

In the Estates General, Mounier predominantly saw a constitutional convention; he incessantly warned that it was of the utmost importance to prevent the to-be-constituted powers from simultaneously playing the roles of legislators and constitution-makers. In assuming the latter role the Estates were expected to refrain from legislating, as had their American counterparts. He warned that if

²³⁸ Ibid., 194.

²³⁹ Ibid., 169-70.

²⁴⁰ Ibid., 272.

²⁴¹ Ibid.

²⁴² Ibid., 246.

the lines between the two were blurred the veto would continuously be used against all measures deemed contrary to an order's interests, irrespective of the public good, and that the resulting deadlock would lead to anarchy.²⁴³ Only a constitution could protect the government's different branches from one another; lest France go through the same upheavals as Britain had in the seventeenth century, it had better prioritize the forging of one.²⁴⁴

Scorn for the *parlements* was another of the *Observations'* central themes as the gulf had continued to widen between Mounier and the nobility they defended. The evolving crisis and the *parlements'* shifting role, from initially championing reform to later opposing it, led to the judiciary's decline in importance within Mounier's constitutional proposals. Accordingly he had reduced them to an arm of the executive, clearly ranked below the king in importance. They possessed neither a veto over legislation nor the power to interpret the constitution and the law. They were demoted to the rôle of “dépositaires des loix; ils les font exécuter au nom du Prince; ils peuvent lui donner des conseils, mais s'ils participaient à la législation, ils établiraient l'Aristocracie la plus alarmante.”²⁴⁵ As the need to regulate and reduce the *parlements'* power replaced the need to circumscribe ministerial authority, Mounier adopted the position that “le Despotisme d'un seul est en effet mille fois préférable au Despotisme aristocratique.”²⁴⁶

The astounding pace with which Mounier's rhetoric evolved from June 1788 to the writing of his *Observations* suggests that his ideological justifications were a function of his politics, which in turn were the consequence of circumstance. Prior to late September 1788 his position incorporated much from the *Thèse Nobiliaire's* arguments, as aristocratic opposition to the May Edicts then

²⁴³ Ibid., 249-50.

²⁴⁴ Ibid., 250.

²⁴⁵ Ibid., 190.

²⁴⁶ Ibid., 184.

spearheaded the reform movement. He too therefore stressed the existence of an ancient constitution in which the levying of new taxes required the nation's consent. There was as of yet no reason why the *parlements* could not be depicted as crucial to the 'constitution.' When it became clear, however, that the “sovereign courts” opposed much of his envisioned constitutional reform, Mounier used a mix of the *Thèse Royale* and British political precepts to discredit the *parlements'* legislative claims. Montesquieu's trinity of power thus became irrelevant, as De Lolme's 'King in Parliament' model was better suited to the circumstances. But, as we shall see, Mounier was not the only Monarchien to have undergone a shift in position.

Bergasse's ticket to fame on the political stage was a *cause célèbre* known as the *Affaire Kornmann*, in which he was hired as a lawyer by his friend Guillaume Kornmann. The case began when Kornmann took legal action against his unfaithful wife and her lover, Daudet de Jossan. However, he soon lost his leverage in the case as his wife gained the support of high-placed men such as the playwright Beaumarchais, the Prince of Nassau, and the former lieutenant general of police Lenoir, who used their influence to annul a *lettre de cachet* which had forced Kornmann's wife into a convent. As Sara Maza cogently demonstrated in her analysis of pre-revolutionary judicial *mémoires*, those written by Bergasse took the form of a general denunciation of the *Ancien Régime*, of privilege, and of the immorality of the court.²⁴⁷ In his post-May 1788 pieces he added several elements of the *Thèse Nobiliaire* such as the depictions of the *parlements* as liberty's last defenders against ministerial designs to enslave France to accommodate the anti-ministerial fever that had swept the nation. To be

²⁴⁷ Sarah Maza, *Private Lives and Public Affairs: the Causes Célèbres of Prerevolutionary France* (Berkeley: University of California Press, 1993), Chapter 6; Bergasse, *Mémoires sur une question d'adultère, de séduction et de diffamation : pour le sieur Kornman, contre la dame Kornman, son épouse, le sieur Daudet de Jossan ; le sieur Pierre-Augustin Caron de Beaumarchais ; et M. Lenoir, conseiller d'Etat, ancien lieutenant-général de police. Suite des pièces justificatives : lettre du sieur Kornmann à Mgr le Garde-des-Sceaux* (1787).

sure, he was no apologist for France's judicial defects and noted that while he knew of few magistrates who sincerely wanted their reform, the Edicts were far from providing a solution.²⁴⁸ The *parlements*, however, were exonerated and the blame deflected to royal authority: it was under Louis XIV that the abuses had been developed. His recommended solution was to decentralize justice to make its dispensation independent of royal authority.

In a further pamphlet written at the peak of the showdown between the *parlements* and the crown, he denied the legitimacy of absolutism, *demanding* that Louis XVI rid himself of unpopular ministers and convoke the Estates General:

“Sire [. . .] l'exercice de la justice, parmi les hommes, commence à l'instant où ils vivent en société [. . .] Par-tout où une telle autorité, où une telle loi n'existe pas, la société est impossible; par-tout où une telle autorité où telle loi cessent d'exister la société sera dissoute [. . .] il est de l'essence de la loi, de ne pouvoir être l'ouvrage d'un seul: car tous les hommes sont appelés à consulter la raison universelle; et néanmoins tous les hommes sont sujets à l'erreur [. . .] Pour que la loi, dans la société, fut l'ouvrage d'un seul, il faudrait donc que cet être appelé à faire la loi fut d'une espèce différente des autres hommes [. . .] parce-qu'un tel être n'existe pas [. . .] elle ne doit être produite de l'expérience [. . .] de délibérations communes [. . .] Mais Sire, si de telles vérités sont incontestables, vos ministres vous ont donc indignement trompé, quand ils ont osé vous dire que l'autorité des rois est absolue.”²⁴⁹

The king, continued Bergasse, was being deceitfully turned against his people by conspiring ministers. The consequence would be disastrous unless he determined to circumscribe his ministers' authority and convoke the Estates General. Obedience could only result from the happy liberty of his subjects, while further despotism would inevitably lead to revolt.²⁵⁰

As the political crisis' most contentious issue turned to the Estates General's form, Bergasse began to target the privileges of the aristocracy rather than the corruption of the court. For instance, he

²⁴⁸ Bergasse, *Réflexions sur les Nouveaux Édits* (1788), 1-3.

²⁴⁹ *Ibid.*, 35-37.

²⁵⁰ *Ibid.*, 58-62.

anonymously published a polemical critique of the nobility in which denunciation of ministerial despotism was notably absent.²⁵¹ A substantial portion of the piece was an historical account in which he depicted the nobility as consistently trampling the rights of king and nation in moments of national crisis and malevolently misleading the nation for its own aggrandizement. Privilege therefore rested not on services rendered to the “Prince et Patrie, mais sur des usurpations aussi nuisible à l'un qu'à l'autre.”²⁵² In contrast to his judicial *mémoires*, he now argued that the nation had benefited tremendously from the centralizing efforts of Louis XIV and described aristocratic feudalism as the nadir of French liberty.²⁵³

In the months prior to the Estates General he published a model *cahier* with a list of demands and an essay that largely justified his proposed constitutional reforms.²⁵⁴ In another volte-face from his *mémoires* he approved in principle the attempts of Brienne and Lamoignon to restructure the justice system and thereby eliminate the *parlements*: “Il y a bien des réformes à faire dans cette partie de l'administration et les essais qu'on à tentés n'étaient pas dépourvus de mérite. Le mode était vicieux, mais les résultats étaient avantageux.”²⁵⁵ Some of his suggestions for a speedy and inexpensive dispensation of justice included the elimination of judges' arbitrary powers and the establishment of uniform criminal and civil codes.²⁵⁶ Despite his shift in emphasis, Bergasse continued to criticize royal and ministerial authority in such fields as the administration of finance, where he stressed the need to establish ministerial accountability.²⁵⁷ In his proposed constitution, however, the king would continue to be the state's driving force, though he would now be bound to the rule of law: “Il faut un chef à toute

²⁵¹ Bergasse, *Observations sur le préjugé de la Noblesse héréditaire* (London: 1789).

²⁵² *Ibid.*, 5.

²⁵³ *Ibid.*, 22, 5-10.

²⁵⁴ See Bergasse, *Cahier du Tiers-États à l'assemblée des États-Généraux de l'année 1789* (Paris, 1789); *Lettre de M. Bergasse sur les États-Généraux* (Paris: 1789).

²⁵⁵ Bergasse, *Cahier du Tiers-États*, 31.

²⁵⁶ *Ibid.*, 31-32.

²⁵⁷ *Ibid.*, 33.

société. Sans chef, point de subordination, point d'harmonie; l'anarchie est le tyran le plus redoutable.”²⁵⁸ Bergasse feared that without the strong central authority of the king, there would be an inevitable outbreak of popular disorders.

The elimination of privilege nonetheless continued to rank among his highest priorities, particularly the 'opening' of careers. Virtue and talent rather than birth were to be the main criteria for qualification to the nation's elite, as they were across the channel:

“Voulez-vous savoir pourquoi l'Angleterre vous offre une si grande quantité d'hommes originaux et de grands caractères? Ne l'attribuer pas uniquement à l'établissement de la Chambre des Communes, ni même aux lois qui protègent, dans son sein, la liberté des individus; attribuez-le à ceci surtout: que le développement des facultés humaines a une telle latitude, qu'il n'est point de poste dans l'État auquel ne puisse parvenir un Citoyen.”²⁵⁹

Such a system would have ridden France of its dreaded *esprit de corps*.²⁶⁰ Equal rights and taxation, however, were as far as Bergasse was willing to go. He believed that the natural inequality of men inevitably spawned social inequity. The state had an obligation towards the poor, but there was no question of their political enfranchisement.

As for the Estates General's form, he pointed out that the British, “qui ont rêvé de la liberté un peu plus profondément que nous,”²⁶¹ had not divided their representative chamber into orders. They were wise enough to realize that only if all men, regardless of their noble status, qualified as voters and deputies for the lower chamber could liberty take hold. Single-chambers bodies, however, were impractical as they easily fell prey to the influence of demagogues and the caprices of public opinion, thus increasing the likelihood of politics dictated by the passions rather than by reason. Had Cromwell

²⁵⁸ Ibid., 46.

²⁵⁹ Bergasse, *Lettre de M. Bergasse sur les États-Généraux*, 5-6.

²⁶⁰ Ibid., 11-12.

²⁶¹ Ibid., 10-11.

not reduced Parliament to a single chamber to better manipulate it? To ensure the triumph of reason, then, new laws had to be subjected to the careful and slow examination of multiple parties.²⁶²

Bicameralism was therefore a tempering mechanism that would always act for the public good, rather than for corporate interest.²⁶³ The solution to France's constitutional conundrum was thus obvious:

“Pourquoi ne nous conduirions-nous pas comme on l'a fait en Angleterre et en Amerique?”²⁶⁴ In America, he argued, an elected Senate checked the will of the House of Representatives with its power of veto, while in Great Britain laws underwent three separate examinations: by the Commons, Peers, and the monarch. Only mechanisms such as these could prevent subversion of the constitution.²⁶⁵

An elective upper chamber might be suitable for republican governments, but since France would be a constitutional monarchy it required “entre le Roi et la nation, un corps sur lequel la nation n'exercent d'autre influence que celle de l'opinion.”²⁶⁶ An elected senate could also fall prey to the passions, and in that case would enable the total despoliation of the king's legal prerogatives. The upper chamber should therefore be composed of princes of the blood, great nobles, powerful ecclesiastics, and distinguished civil servants,²⁶⁷ while the lower chamber should be composed of elected representatives from all three orders. Such a composition, he continued, provided an adequate middle ground between the unicameral chamber demanded by radicals and the three chambers demanded by the privileged, while ensuring that an *esprit public* triumphed. A powerful king, who had a hand in all of the major branches of government, was the centrepiece of Bergasse's constitution. In addition to being an integral part of the legislative process, he would possess the plenitude of an undivided

²⁶² Ibid., 27.

²⁶³ Ibid.

²⁶⁴ Ibid.

²⁶⁵ Ibid., 28-29.

²⁶⁶ Ibid., 32.

²⁶⁷ Ibid., 31.

executive which included the control of the judiciary and military.²⁶⁸ Meanwhile, Kornmann's final hearing was held on 2 April, 1789, and though his judges pronounced in his wife's favour, Bergasse had won *his* case: he had publicly proven himself an adept opponent of ministerial and aristocratic despotism, and was thus elevated to a national hero. The case even earned him (in his absence) a seat at the Estates General as a deputy for Lyon's Third Estate.

The pre-revolutionary political ideology of Clermont-Tonnerre, the most aristocratic of the five Monarchiens, was likewise reminiscent of the practical goals of the *Patriote* party. In 1787-88, he was a member of the *bureau intermédiaire* of Corbeil, a village nearby Paris, where he, like other nobles throughout France, led the opposition to Loménie de Brienne's proposed *abonnements*.²⁶⁹ He opposed the tax on constitutional grounds, claiming that only the Estates General could lawfully consent to such an increase. His report to the intermediary commission categorically denied the legality of the request and denounced it as a fundamental threat to the security of Corbeil's property holders.²⁷⁰ Assemblies such as that of Corbeil, which opposed the taxes, were subsequently provided protection by the Paris *Parlement* against royal tax controllers. Ultimately, the alliance between provincial aristocrats and the Paris *Parlement* was among the May Edicts' main causes, as it forced Brienne to take the drastic measure of allowing the king to bypass the *parlements* in the raising of new taxes. Clermont-Tonnerre's contribution to the *révolte nobiliaire* was therefore far from negligible.

²⁶⁸ *Ibid.*, 48-49.

²⁶⁹ Jean Egret, *The French Prerevolution, 1787-1788*, translated by Wesley D. Camp (Chicago: University Press, 1977), 113-115. The *abonnement* was a set amount of taxes to be raised in each province.

²⁷⁰ Stanislas Clermont-Tonnerre, *Recueil des opinions de Swere targetedtanislas Clermont-Tonnerre, vol. 1* (Paris: 1791), 21-23.

It is difficult to determinate exactly what drove Clermont-Tonnerre's opposition to the Crown, but the networks of 'enlightened' sociability in which he was involved and the ideas that circulated therein may have played a role. For instance, he was member of at least two Masonic lodges by 1788, the Parisian “La Candeur”²⁷¹ and Clermont-Ferrand's “Saint-Maurice,” where he met with the Georges Couthon, the future member of the Committee of Public Safety and intimate of Robespierre, with whom he is said to have shared “une sympathie mutuelle et des idées communes.”²⁷² The French Revolution may not have been the result of Masonic plots, but Clermont-Tonnerre's mixing with the radical Couthon demonstrates that they could still serve as outlets for socially and politically subversive ideas.²⁷³ Moreover, Clermont-Tonnerre belonged to the so-called “Society of Thirty,” a semi-secretive group whose overall goal was to influence the elections to the Estates General in favour of *Patriote* candidates. Their tactics included the financing, publishing, and distribution of pamphlets and the establishment of nationwide correspondence committees. The Society was primarily composed of wealthy nobles of the robe and sword, but also included influential commoners, and nearly all were among France's most distinguished *Patriotes*. The Society's prestigious membership suggests that Clermont-Tonnerre, too, was extremely well-regarded in Paris's *Patriote* circles and promoted their main objectives: the establishment of a constitutional monarchy, the political enfranchisement of the Third Estate, and the guarantee of individual liberty. The society's membership, however, was so diverse that it is difficult to ascertain the ideological impact it had on Clermont-Tonnerre. His membership in masonic lodges and *Patriote* societies nevertheless demonstrates that he was embedded in the blossoming network of opposition to despotism, was exposed to a wide variety of opinions, and

²⁷¹ Lemay, 220, and Du Bus, 45.

²⁷² Francisque Mège, ed. “Note Préliminaire,” in *Correspondance de Georges Couthon, député du Puy-de-Dome à l'Assemblée législative et à la Convention nationale, 1791-1794 ... Suivie de L'Aristocrate converti, comédie en deux actes, de Couthon* (Paris: 1872), 6.

²⁷³ For the best-known and earliest articulation of the masonic plot theory, see Augustin Barruel, *Mémoires pour servir à l'histoire du Jacobinisme*, 3 vols. (Paris: 1797-99).

was uncommitted to the “reactionary” nature of the reforms proposed by more conservative *parlementaires*.

In March 1789 Clermont-Tonnerre was named elector for Meaux's nobility²⁷⁴ and chosen to compose its *cahier*. The *cahier's* most notable points were their refusal to approve new taxes until a constitution had been promulgated, and arguments that the Estates General should meet regularly, that royal agents and ministers should be held accountable, that liberty of the press should be established and maintained, and that the rights of the legislature and executive must be determined and strictly separated.²⁷⁵ Clermont-Tonnerre and his peers therefore demanded constitutional regulation of royal authority, the guarantee of a regular convocation of the Estates General, and a strict separation of powers as preconditions to any cooperation with the king. It was royal authority and not that of the *parlements* that were targeted. His *cahier* also demonstrated that he prioritized the union of orders and considered it a precondition to the successful re-establishment of a constitution. In this regard, his approach dovetailed with that of Mounier, as he likewise liberally drew from Rousseauian arguments to justify unity and sacrifice: “Tous les intérêts particuliers doivent disparaître devant l'intérêt national; le redressement de tous les abus, de toutes les vexations particulières, naîtra naturellement de l'adoption des principes qui viennent de vous être présentés.”²⁷⁶ In this spirit he noted that the nobility accepted renunciation of all abusive and pecuniary privileges, although distinctions and titles in harmony with the public interest would be maintained.²⁷⁷

The *cahiers* adopted by the subsequent Paris assembly of electors, which met in April, were for the most part consistent with most of his earlier proposals, though pressure from the right dictated that

²⁷⁴ Meaux was one of Paris's electoral districts.

²⁷⁵ Clermont-Tonnerre, *Recueil*, vol. 1, 24-28, 27.

²⁷⁶ *Ibid.*, 51.

²⁷⁷ *Ibid.*, 32-34.

several concessions be made. The Paris nobility's final *cahiers*, for instance, supported voting by order. There was no talk of bicameralism; rather the Estates General would continue meeting in its 1614 form. The strict separation of power Clermont-Tonnerre had heretofore supported was likewise significantly loosened, as the king would play a vital role in the legislative process: “Le respect dû à la majesté royale *paraît exiger* que les lois prennent naissance dans les états-généraux, pour être agréées ou refusées par le roi, sans qu'il soit nécessaire en aucun cas que sa majesté explique les motifs de son refus.”²⁷⁸ The hesitation he showed in his first phrase suggests that he was not completely in agreement with this point, and that it was also somewhat of a concession. He revealed his fear of popular disturbances in speeches made following the *Reveillon* and *faubourg Saint-Antoine* riots of late April, in which he denounced the violence and proposed a motion for firm measures to ensure prevention of further disorders and to find and judge those responsible.²⁷⁹ His liberalism, too, therefore had its limits.

Clermont-Tonnerre's political ascent continued unhindered with his election as the first of Paris's ten noble deputies to the Estates General. On the eve of his departure for Versailles, he gave a speech in which he confirmed that the *reestablishment* of the constitution was his priority, as only it could rid France of the “ulcer” it had contracted.²⁸⁰ For this purpose, it was absolutely crucial that king and nation work together. A fierce battle was to be expected, he warned, as opposition would undoubtedly spring from the enemies of liberty. The defects of the French national character, prone to discord, submission, and sedition, would have to be vanquished.²⁸¹ Never had equilibrium been struck between competing interests that allowed for the development of liberty. The current opportunity may have been unprecedented, but it would only be grasped if private interests yielded to those of the entire nation: “L'affranchissement de l'Angleterre date de l'époque où la noblesse s'est rapproché de la

²⁷⁸ *Ibid.*, 75, 77-78. My emphasis.

²⁷⁹ *Ibid.*, 107-109.

²⁸⁰ *Ibid.*, 221.

²⁸¹ *Ibid.*, 223-224.

commune.”²⁸² The great divergence between Great Britain's political path and that of France could not have been more apparent, and unless the French learned from their mistakes, more calamities would undoubtedly follow.

Although several ideological strains are identifiable in Clermont-Tonnerre's politics, it is unclear exactly where he stood ideologically on the eve of the Revolution. He was not a prolific writer; his contributions to the political crisis were for the most part played out secretly or on a disputed political stage where concessions were necessarily made. From Meaux to Paris, his position on the separation of the executive and legislature evolved. He had initially called for a strict separation of the executive and legislative powers, but then had supported a division of the latter between the Estates and the king. This suggests that he may not have been entirely convinced of the feasibility of the 'King in Parliament' model.

Lally-Tollendal was well-acquainted with Clermont-Tonnerre by the time of the convocation of the Estates General. He knew him through membership in the Society of Thirty, as his secretary in the Paris assembly of noble electors, and in their mutual election to Paris's deputation for the nobility. Of the five Monarchiens under study here, only Clermont-Tonnerre and Lally had proven ties prior to the Estates General's convocation. But unlike Clermont-Tonnerre, Lally was distinctively anti-*parlementaire* as a result of his father's execution. By 1789, circumstances dictated that he refrain from harsh criticism, but he nonetheless seems to have seen the Estates General as a vehicle for retribution against the *parlements* as well as a platform for constitutional reforms.

²⁸² Ibid., 225-226.

Shortly after his father's rehabilitation in late 1786, Lally had published a pamphlet in which he made several suggestions for judicial reform.²⁸³ This piece lamented the wide gulf that separated a nation of enlightened men from its barbaric justice system. Judges, described by Lally as “inhumane robed assassins,” held despotic prerogatives, yet fiercely resisted all attempts at reform.²⁸⁴ The secretive nature of the justice system promoted a lack of transparency that in turn led to corruption.²⁸⁵ Free from the constraint of public opinion, judges were free to abandon the national interest. Moreover, the absence of strict procedural forms allowed cases to be dictated by the whims of judges who could halt or delay procedures at will to keep defendants in jail for indefinite periods. This tyrannical treatment of the accused, Lally argued, demonstrated that French law assumed the accused guilty until proven innocent.²⁸⁶ The absurdity of the system was exemplified by the fact that the *parlements* often judged cases in which they were also plaintiffs.

So keen were the judges to act despotically that writers who criticized the *parlements* rarely escaped persecution. This unwillingness to tolerate criticism, Lally argued, stood in sharp contrast to the behaviour of the king and his ministers, who cultivated public opinion and tolerated public criticism. Lally's goal was to prompt a debate that would overturn France's entire criminal code and have it replaced with a system defined by transparency. He considered the British system of jurisprudence, which was entirely public, as an ideal model for such sweeping reforms. Miscarriages of justice in Great Britain were quickly publicized without fear of retribution, and the feature worked as a barrier to judicial despotism. The French could also learn from America, which had barred interested

²⁸³ Lally-Tollendal, *Essai sur quelques changements qu'on pourrait faire dès à présent dans les lois criminelles de la France par un honnête homme qui, depuis qu'il connaît ces lois, n'est pas bien sur de n'être pas pendu un jour...* (Paris: 1787).

²⁸⁴ *Ibid.*, 1-11.

²⁸⁵ *Ibid.*, 13-22.

²⁸⁶ *Ibid.*, 25.

parties from judging their own cases.²⁸⁷ Only those who conspired to enslavement of the French would oppose such an equitable constitution as that of Great Britain, and the *parlements'* categorical refusal to consider the reform of judicial abuse had amply demonstrated that tyranny was their purpose. Finally, he attacked the *parlements'* claim to be the repositories of both judicial and legislative power. Allowing law-makers to be judges violated the most fundamental principle of justice and violated the separation of power necessary for the preservation of liberty.²⁸⁸ Lally noted wryly that Montesquieu would turn in his grave if he knew his intermediate bodies now worked against the cause of liberty.²⁸⁹

The significance of this pamphlet to Lally's pre-revolutionary mindset should not be discounted, as the piece was widely distributed throughout France and remained in circulation until the very eve of the Estates General.²⁹⁰ Unfortunately, the extent to which Lally was involved in the *Patriote* movement between the pamphlet's appearance in 1786 and late 1788 is nearly impossible to gauge, as he stayed below the radar through the entire period. His membership in the Society of Thirty confirms that he was an adherent of the *Patriotes'* goals, which, as we have seen, appealed to a wide cross-section of French society, composed of ideologically divergent groups.

In other respects, such as in the case of Lally's argument for a union of orders, the evidence is unequivocal. On 17 March 1789 he gave a speech to the Dourdan (near Paris) assembly of electors in support of his motion that all three orders be limited to the composition of one communal *cahier*. He argued that the magnanimous Louis XVI had set the stage for the establishment of liberty, and that only discord could now prevent this goal: “Par quelle fatalité, quand nous n'avons plus à combattre l'autorité,

²⁸⁷ Ibid., 34.

²⁸⁸ Ibid., 12.

²⁸⁹ Ibid., 42.

²⁹⁰ So widely distributed was Lally's pamphlet in late 1788 and early 1789 that it prompted Bergasse to remark bitterly that Lally was shown favouritism in the press. Bergasse, *Lettre sur les États Généraux* (Paris:1789), 1.

a-t-elle à combattre nos divisions.”²⁹¹ These divisions were all the more unfortunate as nobles and commoners, “concitoyens et frères,” shared the same interest in the protection of lives, property, and honour. Only conciliation, mutual trust, and cooperation among the orders could now guarantee the establishment and preservation of liberty: “Ah! Dans d'autre temps, sous un autre Prince, avec un autre Ministère, combien le Gouvernement se sût applaudi de cette division! [. . .] Sans la concorde, le plus juste des Gouvernements ne pourra rien efficacement pour nous; avec la discorde, le Gouvernement le plus inique pourra tout impunément contre nous.”²⁹² The mutual hostility and distrust among orders had been responsible for the decline of political freedom. By shifting the blame away from the king and distributing it evenly across the social spectrum, Lally carefully avoided alienating any of the orders.

Lally assured the Third that the nobility valued its contribution to the nation's well-being and would give up all pecuniary privileges, then guaranteed that the Third would respect the nobility's honorary titles and *seigneurial* properties. He rationalized the doubling of the Third by the order's large and diverse composition. Further, one should not assume that the orders would exclusively work in their own interests to the detriment of others or that any wished to be oppressors. To alleviate the fears of anarchy associated with enfranchisement of the Third, Lally insisted that his support for unity was not to be confused with social levelling.²⁹³ There was nothing inherently socially subversive in the idea, nor would it lead to the decline or elimination of a nobility, which he considered fundamentally linked to the French monarchy's well-being and ultimate survival. His goal was simply the reform of the system's abuses with a constitution that would protect liberty and work for the benefit of the entire nation. Despite all of this, he remained ambivalent on the issue of voting. He claimed that it was not in his power to dictate to the Estates how it should handle this decisive point, and that only once it was

²⁹¹ Lally-Tollendal, *Recueil de Pièces concernant Lally-Tollendal* (Paris: 1789), 4.

²⁹² *Ibid.*, 5.

²⁹³ *Ibid.*, 5-17.

assembled could a legitimate decision be made. Throwing one's lot for either side was sure to be politically damaging as it would inevitably alienate some, a view which largely explained his avoidance of the issue. His propositions were meant to gradually accustom the reluctant first two orders to work directly with the Third rather than to abruptly impose an unacceptable model. Trust had to be earned, not forced. Nobles had to be convinced of unity's merits, and the best way to do so was through the first-hand experience of drafting a single *cahier*.²⁹⁴

His only mention of the *parlements* was a reminder that even they supported curbing pecuniary privilege, meaning that they were also willing to make sacrifices. The spirit of conciliation seemed to have taken precedence over the resentment of his old nemeses, and at this stage he no longer seemed to prioritize reform of the justice system. He nevertheless took indirect swipes at the *parlements* through the Marquis de Loyac's 16 May motion. Following the reading of two *mémoires* that argued for establishment of military tribunals, Loyac had proposed elimination of the *parlements'* right to judge military offences and cited the execution of Lally's father as an example of the injustice of the existing judicial procedures.²⁹⁵ Immediately following the speech, Lally rose and delivered one of his own in support of distributing the two *mémoires* with Paris's *cahiers*. He insisted that he had heretofore been averse to the use of his family's tragedy for political purposes, but upon hearing the speech, he had been seized with uncontrollable emotions and accepted that his father's name be used for the greater good.²⁹⁶ Despite his flowery language, he was chipping away at the *parlements'* power, but rather than risk a direct attack, which would have gained him much enmity, he did so under the veil of conciliatory language. Persuasion and diplomacy were henceforth his trademarks. Upon the motion's approval

²⁹⁴ Ibid., passim.

²⁹⁵ Clermont-Tonnerre, *Recueil*, vol. 1, 183.

²⁹⁶ Ibid., 185.

Clermont-Tonnerre turned to Lally and said: “Monsieur, j'ai dû provoquer en forme l'assentiment de la chambre; je le présumais en le demandant, et j'en jouis presque autant que vous.”²⁹⁷

By the time that the Assembly of Notables was convoked in the winter of 1787, Malouet had long established his credentials as a loyal public servant. Although there is no indication that he had actively partaken in the political crisis prior to the autumn of 1788, when he had resigned his post as the *Intendant* of Toulon to qualify as a deputy for the Estates General, we know he ardently supported the idea of constitutional reforms.²⁹⁸ He would subsequently write of the Estates: “Aussitôt que les états généraux furent annoncés, je désirai ardemment y être député [. . .] j'aurais tout sacrifié, hors d'honneur, pour obtenir une députation.”²⁹⁹ Negotiations with his native Riom's municipal officers thus began in October 1788, and by the next month he had left for Paris to represent his constituents' interests.³⁰⁰ Riom hoped to exploit the well-known political ties Malouet had forged with powerful families such as the Neckers for leverage in their bid to host Auvergne's provincial assembly.³⁰¹ In exchange for diverting state patronage from their rival Clermont, Riom guaranteed his election to the Estates General.

He entered the debate publicly in December 1788 with a pamphlet entitled *Avis à la Noblesse*, which was a stern warning to the nobility against alienating itself from the 'nation.' At this critical juncture, he wrote, as had Lally, that it was of paramount importance that the orders work together for

²⁹⁷ Ibid., 186.

²⁹⁸ Robert Griffiths, *Le centre perdu: Malouet et les Monarchiens dans la Révolution française* (Grenoble: Presse Universitaire, 1988), 20.

²⁹⁹ Pierre-Victor Malouet, *Mémoires de Malouet publiées par son petit-fils, le baron de Malouet*, vol. 1 (Paris: E. Plon, 1874), 214.

³⁰⁰ Malouet, *Correspondence de Malouet avec les Officiers Municipaux de la Ville de Riom, 1788-89*, ed. Francois Boyer (Riom: 1904), 24; Malouet, *Mémoires*, vol. 1, 215.

³⁰¹ For a summary see Griffiths, *Le centre perdu*, 25-30.

the nation's felicity, as divisions would lead to the ruin of all: “Voilà donc l'anarchie, la banqueroute, des dissensions antérieures: point d'Assemblée Nationale! [. . .] L'asile de la nation serait encore une fois le pouvoir absolu! [. . .] Quoi! La puissance ministérielle, la puissance judiciaire, qui s'élançe si souvent hors de leurs limites n'auraient plus de frein?”³⁰² In a brief historical treatment he described the period between Louis XII and Henri IV as ruled by despotic kings and ministers, self-interested magistrates, greedy courtiers, and a selfish clergy.³⁰³ An *esprit de corps* had always, and would again, foil the development of an *esprit public*. Evidently the past, which he here seemed to reject *en bloc*, did not contain the basis of an ancient constitution, as pro-aristocratic writers like Boullainvilliers claimed, and if it did, it was in serious need of revision.

Despite its past, the nation would no longer tolerate despotism passively: “La nation inquiète, agitée, malheureuse, [. . .] Elle y arrivera sans vous ou avec vous.”³⁰⁴ By acting contrary to the interest of the whole, nobles were effectively excluding themselves from it, thereby abrogating the rights owed by the nation to its composite parts. Through the development of reason the masses had evolved from the ignorant and superstitious herd they had formerly been. Their voices could simply no longer be ignored, and unless the nobility recognized this, they would be left in the dust: “Une puissance de réflexion et de sentiment qui ne ressemble à aucune autre s'est formée au milieu de nous, elle se coordonne avec la volonté générale, et se présente, en cet instant de crise, comme l'avant-garde de nos forces; la nation voit ce qu'elle a à faire.”³⁰⁵ Despite Malouet's use of essentially radical Rousseauian concepts, such as the view that politics was the expression of the nation's general will, by 'nation' he designated its elite, who ultimately directed the currents of public opinion.

³⁰² Malouet, *Avis à la Noblesse* (Paris: 1789), 12-13.

³⁰³ *Ibid.*, 5-6.

³⁰⁴ *Ibid.*, 7-8.

³⁰⁵ *Ibid.*

He tempered his critique by simultaneously boasting of the nobility's importance and pleading that it was not too late to accept the reforms such as the political enfranchisement of the Third that would inevitably result from the Estates General. Respect for property would be maintained as 'levelling' would be limited to the equality of political influence, rights, and taxation. Prerogatives or privileges in harmony with these principles would not be attacked. Malouet argued that the Third only wanted to secure its rights: "Que craignez-vous en effet, Messieurs, des droits et des prétentions du Peuple? Il a besoin de vous comme vous avez besoin de lui."³⁰⁶ In any case, he stated, the "revolution" reactionary nobles opposed was a *fait accompli*, but its peaceful and orderly ratification would require the support of all three orders.³⁰⁷ The happy consequence of such unity, as the other Monarchiens were apt to point out, could easily be gauged with a glance across the Channel. He urged his readers to consult the annals of British history, and Mably's treatment thereof, which demonstrated that only through cooperation between the Barons and the Commons had the British secured and consolidated their liberty.³⁰⁸

Despite his admiration of Great Britain, Malouet did not advocate the institutionalization of a French 'King in Parliament', as did Mounier and Bergasse. In fact, only a few ambiguous constitutional principles emerged from the *Avis*, most notably the inviolability of the Monarchy. It was unfathomable to Malouet that the power of the king should be significantly reduced. He described royal power as "une chose sainte et salutaire" when working in tandem with the nation. Absolutism, deplored as despotic, would be eliminated as the king would be bound by the constitution. As for legislation, he noted only that both the nation and the nobility would participate in law-making, though he remained vague on this point. Malouet's social radicalism was superficial, however, as he had no intention of

³⁰⁶ Ibid., 8.

³⁰⁷ Ibid., 20.

³⁰⁸ Ibid., 8-9.

forcibly empowering the Third. He was a proponent of an expanded political franchise, but he considered the vast majority of the Third's *doléances* dangerously impolitic and precipitous: “Ne vaut-il pas mieux essayer la conciliation et n'annoncer que par degrés une résistance qui doit être invincible quand elle sera prononcée?”³⁰⁹ He supported the elimination of privilege in the long run, but its success depended on moderation. Only a slow and gradual pace would be accepted by the nobility, who would otherwise resist.

Malouet published instructions for the Auvergne's electors prior to the Riom assembly's meeting in the spring of 1789 to promulgate his agenda, and the instructions were widely distributed and read throughout the province.³¹⁰ Although free of the aggressive language he had used in his *Avis*, this piece was consistent with his previous call for unity and for the subordination of all particular interests to those of the nation. His proposed constitution gave the Estates General a considerable amount of power, such as the exclusive right to consent to laws and taxes. In Malouet's scheme, the king or his ministers possessed the right to propose laws, while the Estates would provide a sanction or veto, rather than initiate legislation as Mounier and Bergasse had proposed. The Estates would be convoked every three years, but its composition was left to be determined at a later stage: “Que les États Généraux, divisés par ordre ou opinant par tête, reconnaissent, dans les représentants des communes, une influence et un pouvoir égal à celui des deux autres ordres.”³¹¹ His vagueness was the result of a desire to establish a consensus between orders: the Third Estate would hold influence equal to that of the other two orders, who could adopt the championed forms of 1614 if they chose. He did

³⁰⁹ Malouet, *Correspondence de Malouet avec les Officiers Municipaux de la Ville de Riom*, 30-33. This letter dated from December 3, 1788, and was quoted from Griffiths, 33.

³¹⁰ Malouet, *Instructions pour les députés du tiers-état, aux états généraux, proposées par les députés de la ville de Riom* (1789).

³¹¹ *Ibid.*, 3.

not mention an upper and lower chamber *à l'anglaise*, but through a type of bicameralism Malouet would have found a way to balance the influence of the privileged orders and the Third Estate.

In Malouet's view, the king held the state's most important position as the sole wielder of the executive power and the “premier organe du pouvoir législatif,”³¹² which he would share with the Estates General: “Le pouvoir législatif ne doit être exercé par le Roi, sans le concours de la nation assemblée par ses représentants.”³¹³ All royal ordinances would be considered temporary until the Estates had provided approval; the Estates General was free to reject any ordinance it saw fit and could not be coerced to comply. The king, however, was not to be above the law as he, too, would be bound by the constitution: “Un Monarque vertueux [. . .] qui ne craint pas d'abaisser volontairement son sceptre devant la majesté des lois, qui les propose, qui les invoque comme le plus solide appui à sa puissance.”³¹⁴ Conversely the legislative pretensions of the *parlements* were completely rejected: “Aucun *parlement* ou Cour souveraine ne peut exercer, même provisoirement, le pouvoir de consentir et promulguer des lois que la nation n'aurait pas consenties, ni rejeter ou modifier ou différer la publication et l'exécution des lois que les États-Généraux auraient sanctionnées.”³¹⁵ Provincial estates would be reestablished and patterned on the Estates General, though it is not clear what their relations would be with centralized authority.

As with the previous four Monarchiens, Malouet thought popular participation in politics undesirable. His definition of national regeneration, for instance, was “le rétablissement de l'ordre et de la prospérité publique.”³¹⁶ His view of politics was unequivocally elitist: “le peuple a plus besoin d'être

³¹² *Ibid.*, 6.

³¹³ *Ibid.*, 5.

³¹⁴ *Ibid.*, 11.

³¹⁵ *Ibid.*

³¹⁶ Malouet, *Discours prononcé par M. Malouet, chargé par la ville de Riom de porter ses cahiers à l'assemblée du tiers-état de la sénéchaussée d'Auvergne* (1789), 3.

gouverné et d'être soumis à une autorité protectrice, qu'il n'a d'aptitude à la diriger.”³¹⁷ Those of the Third he wished to enfranchise were limited to the educated and wealthy. Peasants were relegated to political irrelevance:

“Ce n'est point vous, paisibles agriculteurs, qu'il s'agit de réformer: hommes précieux, qui supportez la plus grande part des travaux et des peines de l'humanité, et qui avez tant de droits à la protection sociale. Certes, nous n'avons point à craindre que vous défendiez les abus dont vous avez tant à souffrir, et que vous éleviez même au milieu de nous des prétentions exagérées: justice... justice et bienveillance, voilà tout ce qu'ils demandent.”³¹⁸

It was the state's responsibility to guarantee minimum subsistence to the poor, in a sense providing a type of welfare state to ensure stability, but peasants would nonetheless hold no political power.

Politics would be the preserve of the wealthy, whether bourgeois or noble.

Malouet's association with the Crown and ministers had earned him his seat in the Estates General, but he was never able to shake the association with the king and remained unpopular for the remainder of his revolutionary career. He did not oppose ministerial despotism in 1787-88, nor was his career advanced by the pre-revolutionary crisis, as he had nearly reached the pinnacle of administration as an *intendant*. The Revolution provided him only with the opportunity to reform some of the social and political abuses he sincerely wanted to eliminate. Entering the debate quite late, he naturally used the language that was *à la mode* at the time, while simultaneously depicting the Dauphiné-inspired union of orders as a vital precondition to the Estates' success. In both his moderation and his willingness to cherry-pick ideological justifications, he shared much with the other four Monarchiens. The *parlements*, in his model, were likewise demoted well-below the king and Estates General in importance. His constitutional model, however, differed significantly from those of the other

³¹⁷ Ibid., 4.

³¹⁸ Ibid., 8-9.

Monarchiens as the king was granted the power to initiate laws and the Estates the right to veto or sanction laws.

Bergasse and Mounier held much more in common, first in their anti-ministerial opposition to the May Edicts, then in their anti-aristocratic critique of the nobility's intransigence over the Estates' form. Bergasse and Mounier both argued for increase of the Third's political rights, the protection of property and the conciliation between orders, while rejecting democracy. Both effectively promoted De Lolme's 'King in Parliament,' although the influence of American ideas should not be discounted: Bergasse invoked the American Senate in support of bicameralism while Mounier insisted on the necessity of a constitutional convention *à l'américaine* that would not simultaneously legislate.³¹⁹ Likewise, both thought Britain's meritocratic system among its most attractive features, and in this regard echoed the praises of Voltaire and Mably. Above-all, the similarity of their pre-revolutionary political metamorphosis reveals that though ideological influences from the British and American worlds were prominent in both, their politics were ultimately driven by the political enfranchisement of the Third Estate and their discourse determined by this overarching goal.

Clermont-Tonnerre and Lally were the only two to have definitely been well-acquainted prior to the Estates General's convocation. Their politics were shaped by caution and diplomacy, notably their insistence that the success of constitutional reforms depended on unity among the orders. It was their moderation, rather than an ideological affinity, which these two most held in common. The two may have disagreed on several points, as Lally's language unquestionably fell under the aegis of the *Thèse*

³¹⁹ Joyce Appleby, "The American Model for French Revolutionaries," in *Liberalism and Republicanism in the Historical Imagination* (Cambridge, Mass: Harvard University Press, 1992). In this piece, Appleby argued that in a generalized sense conservative reformers in the early Revolution tended to associate with the English model, while radicals looked to America for their inspiration. As far as the Monarchiens, whom she considered in the conservative camp, are concerned, this analysis is not entirely correct.

Royale while that of Clermont-Tonnerre leaned toward the *Thèse Nobiliaire*. However, in the face of an increasingly polarized debate and through their close work with intransigent *parlementaires*, their common political objectives ultimately dwarfed any doctrinal differences between the two.

These five Monarchiens would soon be pushed together as sovereignty slipped from the hands of the king to of an increasingly radical National Assembly. Throughout the pre-revolution, they were above all connected by their support of constitutional reforms from above. They imagined a society ruled by notables wherein wealth determined one's capacity to participate in politics. None were interested in levelling society; instead they merely wanted to remove the anachronistic barriers to commerce, industry, and careers that impeded the nation from achieving a higher degree of prosperity. Simply put, they wanted a meritocracy.

For Mounier, Bergasse, and Malouet the *parlements* were the major losers, as the judiciary was unequivocally subordinated to the king and the Estates General and stripped of all of its legislative pretences. For Lally too, the circumscription of the *parlements'* power continued to be an issue until the very eve of the Estates General, though by 1789 he was much less polemical in his criticism. Regardless, there is little doubt that he also wished to see the *parlements'* authority significantly circumscribed, if not entirely eliminated in 1789. In the models of all four, then, a modified *Thèse Royale* triumphed as the king would work directly with the nation without aristocratic intermediaries in order to promote the good of the whole. Royal authority, with its monopoly of the executive and presence in the legislature, was supreme but limited to act within the confines of a constitution drafted by the nation. However, it remains unclear whether Clermont-Tonnerre supported either *Thèse*. Although he had opposed ministerial reforms during the financial crisis, by 1789 he did not seem

interested in confirming the *parlements'* position or increasing their power. All agreed on the the separation of powers, though in different ways, and all prioritized the fixing of a constitution which would balance France's interests. Finally, all tended to describe politics as the necessary expression of the nation's general will.

This last point, according to Ran Halévi,³²⁰ proved fatal to the Monarchiens, who never satisfactorily reconciled two mutually exclusive notions: if all power was to reside in the hands of the nation, by what right could the king oppose the Estates General and how could a second chamber composed of self-serving aristocrats be reconciled with the Third Estate's hopes for political enfranchisement? The Monarchiens' use of Rousseauian ideology, however, was a reaction to the widening gulf between the privileged and non-privileged over the Estates General's form. It was a strategy to portray the nation as the single most important source of political power when promoting reforms hinged on the voluntary sacrifices of a powerful segment of the population. In these turbulent years, the Monarchiens' caution proved to be the connecting thread between them. Ideology was subservient to their goals of constitutional reform, as was their political moderation. Cracks within the constitutional proposals, all at least superficially similar with their emphasis on a division of power between the nation and king, would only become evident during the constitutional debates.

³²⁰ See Halévi, "Monarchiens" in *Dictionnaire critique de la Révolution française*, ed. by François Furet, Mona Ozouf, Bronislaw Baczko, et al. (Paris: Flammarion, 1988); "La République Monarchique," in *Le siècle de l'avènement républicain*, ed. by Furet; Ozouf; Keith Baker; et al. (Paris: Gallimard, 1993); and *La monarchie républicaine: la constitution de 1791* (Paris: Fayard, 1996).

Chapter 4

The Monarchiens, or several Monarchiens?

Although the five Monarchiens examined in this study differed significantly in their support of the *Thèse Royale* or *Nobiliaire*, they shared several principles such as their belief in the need for constitutional reforms from above and the desire to establish a society led by notables. Beyond their push for a constitution, which was shared by the entire *Patriote* movement, these deputies had unequivocally expressed a belief that the main repository of power in a reformed France would continue to be the king. On this point, as Daniel Wick has argued, the Monarchiens stood apart from the bulk of other *Patriotes*, many of whom would have had a legislative assembly as the government's central organ.³²¹ Most had also expressed admiration for the principle of the separation of powers, particularly the unwritten British constitution, which was very much *à la mode* throughout France in the mid-1780s, and also for the nascent American Republic's political institutions. To guarantee individual liberty, all but Malouet seemed to think that checks and balances would be a necessary feature of government. Finally, evidence suggests that the Monarchiens did organize in the summer of 1789 to influence the 10 and 11 September votes, in which bicameralism and the absolute royal veto were both rejected in favour of a unicameral chamber and a suspensive royal veto.³²² But do their organizing and these commonalities suffice to consider the Monarchiens as an ideologically and politically coherent group throughout the constitutional debates, which some have described as the French Revolution's defining moment?³²³

Evidently, no group was completely coherent during this period. But if the criteria used to determine the coherence of a group of deputies is the nature of the polity they sought to establish, a

³²¹ Daniel Wick, *A Conspiracy of Well-Intentioned Men: the Society of Thirty and the French Revolution* (New York: Garland, 1987), 269-275.

³²² See *Procédure criminelle instruite au Châtelet de Paris sur la dénonciation des faits arrivés à Versailles dans la journée du 6 octobre* (Paris:1790), 167-171. Also see Jean-Joseph Mounier, *Appel au Tribunal de l'opinion publique* (Geneva:1791), 347-348.

³²³ Keith Baker's "Fixing the French Constitution," in his *Inventing the French Revolution* (Cambridge: Cambridge University Press), is a case in point.

difference of absolutely central importance emerged among the Monarchiens. The divide was between Lally-Tollendal, Mounier, and Bergasse,³²⁴ who supported De Lolme's 'King in Parliament' model, and Malouet and Clermont-Tonnerre, who supported a type of constitutionally bound authoritarian monarchy. In the 'King in Parliament' model, the legislature played the crucial role of balancing France's particular interests, while ensuring an extremely slow legislative process that required consent from the legislature's three components: the king, the upper chamber, and lower chamber. In the model of Malouet and Clermont-Tonnerre, the legislature's importance was far inferior to that of the king. Rather than balancing France's separate interests, the purpose of dividing the legislature was to ensure that all laws would be the expression of the nation's unitary will, which was ultimately equated with the king's will. Moreover, the upper chamber would only have the right to examine laws proposed by the lower chamber, without having the right of veto.

This chapter will rely almost entirely on the well-trodden pages of the *Archives Parlementaires*.³²⁵ The Monarchiens' supposed organization will be entirely ignored, and the focus will instead be on the substance of their politics and constitutional proposals. Events will be discussed only insofar as they had an impact on their politics. To this point, each Monarchien has been examined separately. The present chapter, however, will take a chronological approach, as all five men were, for the first time, forced to work with one another to some degree. The chapter will consist of two main parts. The first will consider the Monarchiens' reaction to the growing political deadlock in the Estates General and their role in its transformation into the National Assembly. The second will assess the

³²⁴ Although Bergasse rarely spoke during the constitutional debates, his previous and subsequent writing clearly puts his constitutional proposals with those of Lally and Mounier. See Nicolas Bergasse, *Lettre de M. Bergasse sur les États-Généraux* (Paris: 1789); *Cahier du Tiers-États à l'assemblée des États-généraux de l'année 1789* (Paris: 1789); and *Discours de M. Bergasse sur la manière dont il convient de limiter le pouvoir législatif et le pouvoir exécutif dans une monarchie* (Paris: 1789).

³²⁵ *Archives Parlementaires, de 1787 à 1860. Recueil Complet de Débats Législatifs & Politiques des Chambres française. Première Série (1789 à 1799), Tome VIII, du 5 mai au 15 septembre 1789.* This is the only *tome* used for this chapter, and will subsequently be referred to as the *AP* throughout the text and its footnotes.

constitutional debates of July to September 1789 and the Monarchiens' reaction to the cataclysmic events that constantly put these debates on hold. The analysis will end with the defeat of the Monarchiens' main proposals for a bicameral legislature and an absolute royal veto over legislation, as beyond this point their writing was skewed by their defeat and subsequent experience of the Revolution's increasingly radical and violent turn. Prior to the Tennis Court Oath, conciliation and moderation continued to determine the politics of the Monarchiens, particularly the desire to reach the consensus necessary to forge the constitution that each considered quintessential to the achievement of a stable polity. But as the political deadlock between orders reached its point of crisis in mid June, some tended to radicalism and even broke rank. In the second part, we will trace the evolution of their constitutional proposals and tactical politics regarding other important issues and events, such as the recall of Necker and the night of 4 August. This will serve to demonstrate that this group of deputies diverged on important points and sought to establish a polity that differed fundamentally.

I.

In the chaotic first month of the Estates General, only two of our three Third-Estate Monarchiens made their presence felt in the chamber, as Bergasse kept absolutely quiet until mid June.³²⁶ The reasons for this are twofold. First, Bergasse was uncomfortable with the Estates' chaotic nature, fearful of exposing himself to the hatred of his peers, and simply did not possess lungs powerful enough to make himself heard in the immense assembly. In fact, he truly did not want to be there, as he had never campaigned to be elected in Lyons and was elected in his absence. Second, he considered himself a *philosophe* rather than a politician.³²⁷ Conversely, Mounier and Malouet were among the

³²⁶ Bergasse, Malouet, and Mounier were deputies for the Third Estate, while Lally and Clermont-Tonnerre were deputies for the nobility.

³²⁷ For letters confirming these points, see Louis Bergasse and Etienne Lamy, *Un Défenseur des Principes Traditionnels sous la Révolution: Nicolas Bergasse ... 1750-1832*. (Paris: J. Vrin, 1938), 81-82.

Third Estates' most vocal deputies throughout the deadlock that resulted from the contentious issue of the verification of powers.³²⁸ The reason the matter sparked such fierce debate among the orders was that the vote by head and common deliberations seemed to hinge on whether or not verifications would be done in common. To make matters worse, deputies from all the orders considered their powers as null until they had been verified, and thus virtually nothing could be done until the issue had been resolved. In the days that followed the Estates General's opening ceremonies, Malouet, with the support of Mounier, argued for conciliatory measures. He perceived the issue of verification as a formality, and argued that the most pressing matter was to set a standard, organized procedure for deliberations. For this purpose, delegates were to be sent to the other orders to invite them to join the Third.³²⁹ On this point he was again backed by Mounier, but opposed by the Comte de Mirabeau, one of the Third's most audacious and defiant deputies, who carried the day by reminding the deputies that they did not possess the authority to address issues of deliberations.³³⁰

The following day, Malouet attempted to reconcile the orders by dispelling fears that the separate verification of powers would lead to the vote by order and separate deliberations. Further, he argued that it was absurd to consider the deputies' powers void until the verifications had been accomplished: “Et j'ose croire que vous êtes non seulement autorisés mais obligés de procéder le plus diligemment [. . .] et qu'espérez-vous de l'état de stagnation et d'inertie où l'on veut nous réduire?”³³¹

³²⁸ The verification of powers was the procedure by which all of the deputies were to confirm that their credentials as elected representatives were legitimate. The Third Estate wanted the verifications to be completed in common (in one chamber where all of the orders would together verify their credentials), while the majority of the clergy and the nobility insisted that each order verified their credentials in separate chambers.

³²⁹ *AP*, 28. 6 May 1789.

³³⁰ *Ibid.* Mirabeau's constitutional proposals were close to those of the Monarchiens, as he supported the absolute royal veto (but not bicameralism). As a deputy in the Estates General for the Third Estate and National Assembly, he was among the most vehement critics of the noble pretensions, not least because of his failed attempt to win a seat as a deputy for the nobility. He was therefore very vocal in his denunciations of the nobility's unwillingness to compromise on the key issues of the vote by head and common deliberations. But as the Revolution progressed, he tempered his politics by becoming a proponent of strengthened monarchical authority.

³³¹ *AP*, 29. 7 May 1789.

His argument was forcefully simple: it was idiotic ceaselessly to debate on the procedures for the verification of powers when the deputies had been elected to solve so many infinitely more important and urgent matters. Mirabeau again spoke against Malouet and defeated his motion, though Mounier was able to convince the Third to adopt the compromise of sending delegates to the privileged orders without starting to deliberate.³³²

As the Estates stagnated, Malouet continued to make propositions to commence deliberations which were repeatedly rejected. Notably, he regularly invoked the authority and respect owed to the king as justification for giving in to the privileged orders' demands of separate verifications.³³³ As conciliatory committees were established, the prospect for reconciliation among the orders ironically decreased and by late May, with help from the crowds that regularly attended the meetings of the Third, the influence of radicals (particularly of the militant deputation from Brittany known as the Breton Club) became increasingly pronounced. In an attempt to counter this rising radicalism, Malouet was the first to demand that only elected deputies be allowed to attend the Third's debates, referring to the crowd as "étrangers."³³⁴ This motion was ignored and he was severely criticized by the Comte de Volney for alienating the nation. In the first month of the Estates General, Malouet was therefore the Third Estate's most vocal advocate for unity and reconciliation, although he was consistently voted down and disagreed with, and was closely followed by Mounier.

Meanwhile, Lally-Tollendal and Clermont-Tonnerre, with the rest of the Paris noble delegation, arrived at Versailles on 25 May. Like Malouet and Mounier, both advocated reconciliation and unity

³³² *AP*, 30. 7 May 1789.

³³³ His conciliatory proposals were rejected on 11 May (*AP* 34), 11 May (*AP* 37), and 16 May (*AP* 41). For an instance of his professions of gratitude to royal authority, see 16 May (*AP* 41): "Nous sommes affligés de n'avoir pu rendre encore au Roi, par une députation des États Généraux, les remerciements respectueux, les vœux et les hommages de la nation." Also, he made two motions to increase the powers of the conciliatory commissions on 1 and 2 June, with both being rejected (*AP* 63).

³³⁴ *AP*, 55. 28 May 1789.

between the orders. In Lally's first speech, he argued that common verification would not necessarily lead to common deliberations and the vote by head, and urged his chamber to find a way to break the deadlock and move on to the forging of a constitution:

“Laissons en arrière ce qui nous divise; emparons-nous de ce qui doit nous réunir. Les uns veulent opiner par ordre, les autres veulent opiner par tête; mais tous certainement veulent une constitution pour la France, veulent la liberté individuelle, veulent le consentement de la nation pour les impôts, veulent la périodicité des États généraux, veulent le concert des deux parties intégrantes de la souveraineté, c'est-à-dire du Roi et de la nation pour former les lois, veulent le pouvoir exécutif dans la main du Roi seul, veulent enfin la responsabilité de tous les ministres secondaires de ce pouvoir exécutif.”³³⁵

Although issues of form divided the orders, they agreed on substance. Most importantly, all agreed on the need to achieve a stable constitution and that the constitution would preserve the king as the government's centre of gravity by providing him with the plenitude of the executive power and a shared portion of legislative authority. On 6 June Lally made another revealing appeal against the Clergy's motion for extraordinary measures to help the increasingly dire plight of France's poor, that would have involved the lowering of the price of grains. He was in complete opposition to the motion, and considered it both dangerous and unconstitutional: “ces détails sont absolument du ressort du pouvoir exécutif; le pouvoir législatif ne peut y influencer que par les lois générales.”³³⁶ This was the first of many expressions revealing his sincere belief in the limitations of legislative power. The legislature was only to create laws without having any control over their execution.

Meanwhile support to take unilateral action to break the deadlock continued to gain momentum in the Third's chamber. In an attempt to stop the drift from consensus and to lend structure to the Third's chaotic deliberations, Malouet made flagrant reference to the nation's 'general will,' suggesting

³³⁵ *AP*, 57. 29 May 1789.

³³⁶ *AP*, 73. 6 June 1789.

that those who sought to prevent the conciliation of orders acted only in their own private interest and against that of the public. Indeed, he argued, national regeneration had powerful enemies in all three orders. But these corrupt enemies of the public “doivent fléchir sous la puissance des lois, lorsque les lois seront l'expression de la volonté générale.”³³⁷ The king's authority, in accordance with the nation, would be given irresistible force through the constitution, and only then would all be forced to yield to the public interest. If the privileged continued in their intransigence, Malouet saw little logic in throwing fuel on the fire by adopting a similarly hostile stance. Why not lead by example? The other orders would eventually see the error of their ways. He then warned that if unilateral action was taken, if the Third usurped legislative authority and moved ahead as *the* National Assembly, violence and bloodshed would inevitably result. It was simply impolitic, he argued, to alienate the privileged. It is easy to see why his proposal was once again rejected, as he essentially advocated passive compliance with the intransigence of the privileged orders.³³⁸

On 12 June the Third wrote an ultimatum to the nobility, giving them a final opportunity to join them. The inclination of many nobles was to use the king's power to force the Third to submit to their demands. Although he criticized the Third's ultimatum, Lally also condemned his peers' desire to coerce the Third into compliance through the use of royal power, and denounced the hypocrisy of appealing to the king after having bitterly opposed his proposed reforms:

“Messieurs, qu'une portion de l'Assemblée législative, en contestation avec une autre, invoque le déploiement du pouvoir exécutif, c'est un paradoxe, c'est une espèce de monstre en constitution. Après n'avoir cessé de dire depuis un mois que nos droits sont attaqués, aller dire aujourd'hui solennellement au Roi qu'il en est le conservateur, et le prier de les prendre en considération, en même temps que nous lui portons une espèce de manifeste

³³⁷ *AP*, 79. 8 June 1789,

³³⁸ *AP*, 79-80.

contre les prétentions de ceux que nous nommons malheureusement nos adversaires, c'est évidemment, quoique sous des termes déguisés, appeler la force à notre secours.”³³⁹

He depicted the deployment of royal authority against the Third Estate as a violation of the constitutional order he sought to create and as a terrible precedent for the future legislature. One portion of the legislature must not call the power of the executive to impose its will on another portion. The executive's only power over the legislature, he continued, was in its ability to dissolve the former in extraordinary circumstances and in partaking in the legislative process through its sanction or veto of proposed laws.

Did France possess an ancient constitution that warranted the use of force against the Third, as some nobles claimed? Lally answered in the negative and defined a constitution as “un diplôme national et royal tout à la fois, une grande charte sur laquelle repose un ordre fixe et invariable, où chacun apprenne ce qu'il doit sacrifier de sa liberté et de sa propriété pour conserver le reste qui assure tous les droits, qui définisse tous les pouvoirs.”³⁴⁰ The instability that marred France's history, he continued, proved beyond doubt that no such order existed. The exercise of royal authority, whether despotic or benevolent, had been determined entirely by the character of France's kings. But the *parlements* were also to blame for frequent descents into despotism: “Vos pouvoirs secondaires, vos pouvoirs intermédiaires, comme vous les appelez, n'ont été ni mieux définis ni plus fixés. Tantôt les parlements ont mis en principe qu'ils ne pouvaient se mêler des affaires d'État; tantôt ils ont soutenu qu'il leur appartenait de les [the *parlements*] traiter comme représentants de la nation.”³⁴¹ Lally's vision of a reformed France went far beyond the imperfect model inherited through the centuries, but he

³³⁹ *AP*, 107. 15 June 1789.

³⁴⁰ *AP*, 108. 15 June 1789.

³⁴¹ *Ibid.*

nonetheless maintained absolute loyalty to the king, whom he praised throughout as a godsend who had allowed the French to perfect their system of government.

As Lally pleaded with his chamber to drop their belligerent stance, a debate continued in the Third regarding their chamber's declaration of being the sovereign nation's legitimate representatives. Sieyès' famous 10 June motion to proceed as such had sparked an intense debate among the Assembly's most gifted orators. Mirabeau made a long speech regarding the name that the Third was to adopt, and proposed the simple formula of “représentants du peuple français.”³⁴² Mounier nonetheless considered it dangerous to make such a bold declaration, and sought by any means to avoid the alienation of the other orders. For this purpose, he proposed to rename the Third as the awkward sounding “Assemblée légitime des représentants de la majeure partie de la nation, agissant en l'absence de la mineure partie.”³⁴³ With this formula, Mounier asserted the legitimacy of the Third Estate deputies' power as representatives without excluding the first and second orders.

Later that day, Bergasse spoke up in the Estates General for the first time and backed Sieyès on almost every point. Conciliation was undoubtedly respectable, but they had exhausted this route. Due to the importance of the task ahead, he argued, it was crucial that the Third constitute itself in a matter that would not jeopardize any of the rights it was mandated to protect. To achieve this, the nation's representatives were to deliberate together in the National Assembly and vote by head. Bergasse was firm on this point, and noted that even a conciliatory formula like that of Mounier endangered this principle.³⁴⁴ As bold as it might seem, he continued, this was the *only* way to uphold the interest of both king and nation: for a constitution to represent the general will, it had to be formed by a group of men assembled together rather than in piecemeal fashion. Otherwise, the individual and selfish interest of

³⁴² AP, 111. 15 June 1789.

³⁴³ AP, 113. 15 June 1789.

³⁴⁴ AP, 114. 15 June 1789.

France's ancient corporations would again triumph over the public interest. Moreover, without taking this bold step, the Third would constitute an aristocracy, the worst of all governments:

“Une aristocratie, sous un monarque, chez un peuple surtout très-nombreux, et qui n'est pas accoutumé à la servitude personnelle, ne saurait être durable, qu'il n'est pas possible que bien promptement une institution de cette espèce ne devienne odieuse au prince comme au peuple: au peuple, qu'elle écrase et qu'elle humilie; au prince, dont elle empêche plus qu'elle ne modère la puissance [. . .] par la nature même des choses, il faut absolument qu'une aristocratie intermédiaire entre le prince et le peuple, après des convulsions plus ou moins longues, finisse par amener après elle le despotisme ou l'anarchie: le despotisme, si le peuple se livre au prince, pour se venger de ses tyrans; l'anarchie, si le peuple, las de ses fers, s'agite pour les briser [. . .] vouloir l'aristocratie, c'est vouloir le pouvoir, et non pas la liberté.”³⁴⁵

All other proposals, then, were politically irresponsible and even dangerous. If one order was to be given veto power over another, chaos would prevail, and consequently the Third had no choice but to declare itself the nation's representatives.

Malouet then made an unsuccessful attempt to refute Bergasse, insisting that: “Nous constituer Assemblée nationale, sans égard au clergé et à la noblesse, serait une scission désastreuse qui produirait la dissolution des États généraux.”³⁴⁶ The wiser course, he thought, would be one that neither compromised their rights nor encroached on those of the other orders. Only then could a stable constitution be achieved. Rather than acting unilaterally in declaring the Third the National Assembly, he proposed that a delegation be sent to the king, professing the Third's loyalty, declaring its rights and aspirations in a reformed polity, and stating its unwillingness to tolerate any intermediary between itself and the king. This would protect its rights, without encroaching on the king's authority or alienating the privileged orders. In any case, he continued, by what authority could the Third constitute itself in such a matter? “Mais notre assertion peut-elle devenir subitement une loi? [. . .] Où est la

³⁴⁵ Ibid., 115.

³⁴⁶ AP, 119. 15 June 1789.

volonté souveraine qui a exprimé cette intention juste et utile? Sommes-nous seuls la puissance législative? Pouvons-nous y suppléer? La volonté générale vous y a-t-elle autorisés?”³⁴⁷ Instead of confrontation, the Third should lead by example and try to cooperate with the other orders despite their unwillingness to do so. On 17 June the motions of Mounier, Mirabeau, and Sieyès were put to a vote, and Sieyès' motion won with an overwhelming majority.

On 24 June, four days after Mounier initiated the Tennis Court Oath despite his reluctance to act unilaterally, Clermont-Tonnerre attempted to convince his order that a political revolution had taken place in the Third, and that opposition would be futile. The best option was thus to join the revolution in order to temper it.³⁴⁸ Likewise, Lally spoke against the king's 23 June speech, denying his order's legality and calling it “une erreur ministérielle.”³⁴⁹ The following day, both were among the assemblage of 47 nobles who defected to the National Assembly, with Clermont-Tonnerre giving a speech on behalf of the defectors. From this point forward, his addresses to the Assembly increased in frequency, and in several speeches in early July he outlined principles close to those of his colleague Lally. For instance, he opposed a proposal to create a committee to deal with popular disturbances on the grounds that the legislature would then be usurping executive authority:

“L'impassibilité la plus absolue doit être le caractère essentiel de l'Assemblée. Dans une circonstance aussi pénible, il y a une distinction essentielle à faire entre le pouvoir exécutif et le législatif. Le pouvoir militaire, qui est la sauvegarde de la tranquillité publique, est du ressort du pouvoir exécutif. Ce serait manquer au plus pressant de tous les devoirs que de s'amuser à nommer un comité pour examiner une révolte ouverte. Les troubles populaires ne peuvent être soumis à un pareil examen; ils sont du ressort du pouvoir exécutif.”³⁵⁰

³⁴⁷ Ibid.

³⁴⁸ *AP*, 149. 24 June 1789.

³⁴⁹ *AP*, 148. 24 June 1789. The king's 23 June speech had denied the legitimacy of the Third's declaration to be the National Assembly, ordered them to assume the 1614 forms, and outlined the constitutional reforms he was willing to accept.

³⁵⁰ *AP*, 175. 1 July 1789.

He too, then, considered the separation of powers as a prerequisite for a stable polity, and feared that the National Assembly would otherwise gradually encroach and weaken royal authority. Moreover, like the other Monarchiens examined here, he insisted that the Assembly was only part of the legislative power, which was to be shared with the king.³⁵¹

Mounier likewise justified his opposition to the creation of a subsistence committee on 6 July with an argument that the Assembly would be usurping the king's executive prerogatives. His logic was identical to that of Lally's 6 June oration: ordering such action would be an encroachment on executive authority by the legislature. “[the National Assembly] ne peut rien ordonner, puisque ces ordres appartiennent au pouvoir exécutif; elle ne peut procurer aucun secours, puisque rien n'est en sa puissance que de faire des lois.”³⁵² During the first two months of their tenure as deputies of the Estates General and then of the National Assembly, the principle of the separation of legislature and executive was the most common theme of the Monarchiens' politics.

The relationship between king and legislature, however, was left undefined by the five Monarchiens during their tenure as deputies in the Estates General. Few indications of their constitutional models were articulated, and even those that were made were described in very vague terms. It was nonetheless clear that the king and the nation, represented through the National Assembly, would govern together and share law-making responsibilities. As for executive authority, it would continue to be held by the king, who was praised in the speeches of Bergasse, Lally, and Malouet. The debate's focus was the deadlock between orders, and in this regard the politics of the Monarchiens differed significantly. Malouet was by far the most passive; he was willing to accept separate verifications of power and even deliberations by order for the sake of breaking the deadlock without

³⁵¹ *AP*, 183. 2 July 1789.

³⁵² *AP*, 198. 6 July 1789.

alienating the privileged orders. Mounier was likewise very cautious and conciliatory, but was willing to go further. He consistently attempted all possible means of reconciliation with the privileged, without being willing to budge on common verifications, deliberations, and the vote by head. It was he, moreover, who initiated the Tennis Court Oath, the celebrated act of defiance that asserted the Assembly's resolve to forge a constitution in the face of hostile royal authority. For his part, Bergasse proved to be the most radical as he opposed Mounier's proposal in favour of that of Sieyès, warning that unless the Third moved unilaterally to forge a constitution it would compromise the entire enterprise. In the noble chamber, the tactics of Lally and Clermont-Tonnerre were much more uniform than those of the other three. Both were part of the contingent of defectors on 25 June and both had previously urged their peers to adapt to political reality and accept an increased political role for the Third.

II.

The constitution finally became the National Assembly's focal point in early July. On 6 July a thirty-member constitutional committee was created to debate the constitution's details and included all of the five Monarchiens but Malouet.³⁵³ Three days later, Mounier presented a report on the committee's progress, and outlined what was to become the constitution's structure. He began by defining the term constitution: “Une constitution n'est autre chose qu'un ordre fixe et établi dans la manière de gouverner; que cet ordre ne peut exister, s'il n'est appuyé sur des règles fondamentales, créées par le consentement libre et formel d'une nation ou de ceux qu'elle a choisis pour la

³⁵³ For a full list of the first committee's members, see *AP*, 200. 6 July 1789.

représenter.”³⁵⁴ French history showed that France clearly did not possess this regularity in government, and despite those who claimed otherwise, did not possess a constitution: “Nous n'avons pas une constitution, puisque tous les pouvoirs sont confondus, puisqu'aucune limite n'est tracée. On n'a pas même séparé le pouvoir judiciaire du pouvoir législatif.”³⁵⁵ Among a constitution's basic functions, then, was the delimitation of powers, which were to be strictly separated. He was also resoundingly condemning the *parlements'* claim that they were an integral part of France's legislature. Royal authority, however, was not exempt from his criticism; without a constitution it, too, had tended to despotism. Both nation and king would now benefit from the constitutional order, as ministers would no longer be able to manipulate royal authority for their own purposes.

In his report, Mounier criticized several types of government, including feudal aristocracies, royal despotism, direct democracies, and previous Estates Generals. He warned that history could only provide limited examples, but that the current circumstances provided a singular opportunity to perfect the shortcomings of the past. Nonetheless, the task at hand was to preserve the monarchy that had been inherited, while preventing its tendency to rule arbitrarily. The deputies, he continued, had to proceed with extreme caution, as some would inevitably attempt to eradicate France's few fundamental laws:

“Nous n'abandonnerons jamais nos droits, mais nous saurons ne pas les exagérer. Nous n'oublierons pas que les Français ne sont pas un peuple nouveau, sorti récemment du fond des forêts pour former une association, mais une grande société de 24 millions d'hommes qui veut resserrer les liens qui unissent toutes ses parties, qui veut régénérer le royaume, pour qui les principes de la véritable monarchie seront toujours sacrés.”³⁵⁶

The past was not to be entirely repudiated, as some would have it. He then insisted that the deputies were not legislators, and warned of the dire consequences of simultaneously assuming the role of

³⁵⁴ AP, 214. 9 July 1789.

³⁵⁵ Ibid.

³⁵⁶ AP, 215. 9 July 1789.

constitution and law makers. If this happened, the National Assembly would claim unchecked power at the expense of the monarchy. In other words, it would create a bad constitution, thus regressing and exacerbating the nation's political plight.³⁵⁷

Mounier's report also addressed the controversial issue of a declaration of rights. He supported the idea, but only as a short and precise preamble that was not to be printed separately: he felt that a metaphysical declaration would have dangerous consequences, creating insolence, insubordination, and a lack of respect for the rule of law. On 11 July Lally backed this model in his exhortation against Lafayette's proposal for a declaration. Influenced by the American constitution, Lafayette proposed a model similar to the Declaration of Independence, to be printed and distributed apart from the constitution. In a warning against the publication of a declaration of rights apart from a constitution, Lally stated: "Remontons sans doute au droit naturel, puisqu'il est le principe de tous les autres; mais parcourons rapidement la chaîne des intermédiaires, et hâtons-nous de redescendre au droit positif qui nous attache au gouvernement monarchique."³⁵⁸ This was precisely the argument Mounier had made in his report.

The *rapprochement* of the five Monarchiens continued as the disorders in Paris grew into a crisis. On 13 July debate had turned to Necker's recent dismissal and replacement with the unpopular Baron de Breteuil. The king's move had sparked outrage in the Assembly, along with the fear that a royal coup to halt the Assembly's work was imminent. One of the deputies' reactions to the crisis was to demand Necker's recall. Mounier argued against this measure, insisting that the choice of ministers was part of the monarch's legitimate prerogatives, and asked that instead a vote of non confidence should be held to demonstrate the Assembly's disapproval. He then reminded the deputies that their primary task

³⁵⁷ AP, 215-16.

³⁵⁸ AP, 222-23. 11 July 1789.

was the achievement of a constitution. Slow, rational deliberations were still necessary, despite the circumstances: “N'oublions jamais qu'il ne faut pas adopter une constitution qui ne convienne qu'aux circonstances présentes, mais qu'elle doit faire le bonheur de nos enfants; que le plus grand fléau qui puisse affliger un peuple, est d'avoir une constitution incertaine, qu'il soit facile de changer, et qui devienne la source du trouble et de l'anarchie.”³⁵⁹ The king, he continued, was good and despite the recent developments, he was to be the constitution's central organ. In a like manner, Lally followed Mounier and outlined the king's benevolent acts since the previous August to prove that he had simply been misled by corrupt ministers. Surely, he continued, if the Assembly communicated their displeasure to the king as Mounier had proposed, he would recall Necker.³⁶⁰ Likewise, Clermont-Tonnerre spoke up in favour of the king's rights: “Le Roi est le maître de composer et de décomposer son Conseil; la nation ne doit pas nommer les ministres, elle ne peut que les indiquer par le témoignage de sa confiance ou de son improbation.”³⁶¹ On the king's rights vis-à-vis the Assembly, the Monarchiens tended to be unanimous.

As the disorders in Paris failed to abate, however, Lally became the most vocal of the Monarchiens in making several speeches in favour of strengthening authority and cracking down on and punishing criminals. On 20 July he successfully proposed a motion for the formation of a *milice bourgeoise*, stating “L'Assemblée nationale a invité et invite tous les Français à la paix, à l'amour de l'ordre, au respect des lois, à la confiance qu'ils doivent avoir dans leurs représentants, à la fidélité dans le souverain.”³⁶² For the purpose of finding and punishing all citizens who refused his peace offer, the *milices* were to be formed until municipal authorities were adequately organized. To those who accused him of despotism, he answered: “C'est au nom de la liberté que je vous propose ma motion et que je

³⁵⁹ AP, 223-24. 13 July 1789.

³⁶⁰ AP, 225-26. 13 July 1789.

³⁶¹ AP, 227. 13 July 1789.

³⁶² AP, 253. 20 July 1789.

vous conjure de l'adopter. Au milieu des impies qui renversent le temple des lois, c'est à nous, ministres de la liberté, de prêcher son évangile.”³⁶³ Lally also reacted strongly to the brutal murders of the much-hated Paris officials Bertier de Sauvigny and Foullon de Doué, whose heads had been paraded on spikes by Parisians who accused them of deliberately starving the people. He agreed that the people had a right to vengeance, but he argued that this could only be had through courts of laws. Taking the law into one's own hands would do nothing but herald the return to despotism.³⁶⁴

Against this backdrop of increased concern and violence, a second constitutional committee,³⁶⁵ created on 14 July and composed of 8 members that again included all five Monarchiens but Malouet, presented a report on its progress on 27 July. Clermont-Tonnerre, who had been tasked with presenting a resume of the demands of the *cahiers de doléances*, summarized the common points found in the *cahiers*, and the ambiguous points which would be decided by the National Assembly. The *cahiers* were divided over the previous existence of an ancient constitution. Many argued that a preexisting constitution simply needed to be reformed, while others argued that the Assembly would have the power to create a new one from scratch.³⁶⁶ Clermont-Tonnerre's report then listed a group of principles over which nearly all *cahiers* were in agreement, and provided a list of issues to be determined by the Assembly. Most *cahiers* agreed that the government should remain monarchical, that the king was inviolable and the sole wielder of executive power, that his ministers would be responsible to the nation, that his sanction was necessary for the creation of laws, which would be made in the Assembly,

³⁶³ Ibid.

³⁶⁴ *AP*, 264-65. 23 July 1789.

³⁶⁵ The first committee was composed of 30 members, and it was found necessary to drastically reduce the size of the committee. The members of the new committee included Bergasse, Lally, Clermont-Tonnerre, Mounier, and Champion de Cicé, who all supported bicameralism and the absolute royal veto. The committee's other members were Sieyès, Le Chapelier, and Talleyrand, who backed a unicameral legislature and a suspensive royal veto. The committee remained divided on these points until the votes of 10 and 11 September 1789.

³⁶⁶ *AP*, 283. 27 July 1789.

and that property and individual liberty would be held as sacred.³⁶⁷ Significant constitutional issues that the Assembly was to settle included the king's exact role as legislator, whether the *parlements* would retain the right to register new laws, the king's right to convoke, prorogue, and dissolve the Assembly. Other contentious points were whether the Assembly would be permanent or periodical, whether the first two orders would be united in one chamber, and whether the two chambers would be composed without the distinction of orders, and the size of the majority required to pass new laws.³⁶⁸

There was therefore no doubt in Clermont-Tonnerre's mind that the nation willed a constitution in which the king would remain the mainspring of power as sole wielder of the executive power and as a significant component of the legislature. Exactly what his role in the legislature would be, however, was yet to be determined. The Assembly must consider, he argued, whether he would have the right to propose new laws, or simply the right to sanction or veto them, and whether he would have the right to dissolve the Assembly as in Great Britain. Also of major significance was Clermont-Tonnerre's treatment of bicameralism. While he did not include the concept as an agreed upon principle, the matter in which he posed the question of orders left no doubt that the legislature would be composed of two chambers: “Les deux Chambres seront-elles formées sans distinction d'ordre?”³⁶⁹ The questions for Clermont-Tonnerre were not whether the legislature would be composed of two chambers, but how these two chambers would be composed and the relationship between them.

Following Clermont-Tonnerre's report, Mounier went on to present the constitution's first two sections, the Declaration of Rights and the Principles of the French Government, both of which he significantly influenced.³⁷⁰ The third article of the Declaration lucidly outlined that equality was to be

³⁶⁷ *AP*, 284.

³⁶⁸ *AP*, 284-85.

³⁶⁹ *AP*, 285.

³⁷⁰ This was a draft of the Declaration, and not the final version, in which several alterations were made.

understood only in terms of rights, as social distinctions were bound to arise: “La nature a fait les hommes libres et égaux en droits; les distinctions sociales doivent donc être fondées sur l'utilité commune.”³⁷¹ Social distinctions, however, were henceforth to be based on merit. The sixth article went on to note that the rights of citizens were accompanied by an important corollary, that of duties. It was thus of absolute importance that in recognizing these rights the French did not fail to recognize those of all their compatriots.³⁷² The ninth article asserted that the government's duty was to ensure the public good, and to achieve this it would not only have to protect rights, but also prescribe duties. It would thus have to guarantee the sacred rights of individual liberty, property, safety, honour, life, the free communication of ideas, and resistance to oppression. Clearly, the Declaration reflected the concern voiced by other Monarchiens that it was dangerous simply to assert rights. The Declaration was thus infused with several reminders that these rights were conditional, and were not to impede on those of others. Finally, the fourteenth article demonstrated the importance attributed to the principle of the separation of power, and Montesquieu's influence was clearly apparent: “Pour prévenir le despotisme et assurer l'empire de la loi, les pouvoirs législatif, exécutif et judiciaire, doivent être distincts. Leur réunion dans les mêmes mains mettrait ceux qui en seraient les dépositaires au-dessus de toutes les lois, et leur permettraient d'y substituer leurs volontés.”³⁷³

Mounier's report continued with the principles of the French government, of which the first four articles outlined the 'King in Parliament' model Mounier and Lally would soon defend. Although he never explicitly called the to-be-constituted government a constitutional monarchy, he implied it by calling the French government monarchical, but one guided and regulated by the law, and whose authority was null when acting illegally. The legislature, he continued, would be shared among the

³⁷¹ Ibid.

³⁷² Ibid.

³⁷³ Ibid.

assembled representatives of the nation and the king, who would be the sole wielder of executive authority.³⁷⁴ While in Britain the main seat of constitutional power resided in the Parliament, in France this was not to be the case, and the monarchy would remain France's most powerful institution.

Mounier's report was unequivocal on this point:

“Le Roi est le chef de la nation; il est une portion intégrante du corps législatif. Il a le pouvoir exécutif souverain; il est chargé de maintenir la sûreté du royaume au dehors et dans l'intérieur; de veiller à sa défense; de faire rendre la justice, en son nom, dans les tribunaux; de faire punir les délits; de procurer le secours des lois à tous ceux qui le réclament; de protéger les droits de tous les citoyens et les prérogatives de la couronne, suivant les lois de la présente constitution.”³⁷⁵

The king would continue to be sacred, and insolence towards his person or towards the queen would be punished more severely than other crimes. On this last point, however, Mounier seemed to contradict himself: if the king was to be bounded by the law, what would happen if he attempted to rule above it? With his claim that the king was sacred and immune to the judgement of France's courts of law, Mounier left a dangerous gap between the constitutional monarchy he claimed to be establishing and the absolute authority of past kings. Given the king's questionable behaviour since his 23 June speech, it is not surprising that Mounier's model failed to convince the majority of his peers.

In the days that followed, the debate raged on regarding the Declaration of Rights. Mounier's main rival on this point was Sieyès, who proposed a longer, much more metaphysical treatise. Sieyès' declaration seemed to be gaining momentum until it was learned that a panic known as the Great Fear had gripped France's countryside and was continuing to spread uncontrollably. The ensuing disorder and attacks against country nobles and great *seigneurs* prompted many to rethink the necessity and format of a declaration. It was within this context of increased alarm that Malouet made his most

³⁷⁴ AP, 286.

³⁷⁵ Ibid.

important speech since June. Malouet had grown impatient with the metaphysical nature of the debates over the Declaration, and urged his peers to act rather than to debate interminably. Rather than philosophy, experience ought now to guide the Assembly's actions: “car elle [l'expérience] a tout enseigné, et ne laisse plus rien de nouveau à dire aux plus éloquents, aux plus profonds publicistes.”³⁷⁶ Likewise, he pointed to the dangers of looking at their American counterpart's Declaration of Independence, printed separately from their constitution, as a model:

“Je sais que les Américains [. . .] ont pris l'homme dans le sein de la nature, et le présentent à l'univers dans sa souveraineté primitive. Mais la société américaine, nouvellement formée, est composée, en totalité, de propriétaires déjà accoutumés à l'égalité, étrangers au luxe ainsi qu'à l'indigence, connaissant à peine le joug des impôts, des préjugés qui nous dominent, n'ayant trouvé sur la terre qu'ils cultivent aucune trace de féodalité. De tels hommes étaient sans doute préparés à recevoir la liberté dans toute son énergie: car leurs goûts, leurs mœurs, leur position les appelaient à la démocratie. Mais nous, Messieurs, nous avons pour concitoyens une multitude immense d'hommes sans propriétés, qui attendent, avant toute chose, leur subsistance d'un travail assuré, d'une police exacte, d'une protection continue, qui s'irritent quelquefois, non sans de justes motifs, du spectacle du luxe et de l'opulence.”³⁷⁷

Malouet did support a declaration of rights, but argued that circumstances in France and America were completely different. The social realities in France should guide the deputies in forging their constitution; reason was not to be ignored, but neither was experience. In this regard, Malouet was in agreement with the other four Monarchiens, who likewise warned their peers that to forsake the past would have terrible consequences.

The Great Fear likewise precipitated the abolition of feudal rights on the night of 4 August, the ramifications of which caused the constitutional debate to take a backseat for several days. Significantly, the Monarchiens kept almost entirely out of the ensuing debate, which was among the

³⁷⁶ *AP*, 322. 1 August 1789.

³⁷⁷ *Ibid.*

summer's most consequential. The bold abolition of feudal rights was precisely the type of precipitate legislation the Monarchiens wished to prevent, and, as Mounier expressed in a later speech, he considered it an attack on property.³⁷⁸ The only major contribution by one of the five Monarchiens on the night of 4 August was Lally's motion to have Louis XVI officially named the *Restaurateur de la liberté française*, a motion carried through amidst the enthusiasm of the evening.³⁷⁹ The purpose was undoubtedly to associate Louis XVI with the general renunciation of feudalism in the minds of all Frenchmen, although this association was a stretch in light of the king's complete inaction throughout the night.

On 12 August the discussion regarding the constitution was renewed. On this day, Mounier's *Considérations sur les gouvernements*³⁸⁰ was attached to the deliberations in the AP. This was Mounier's first major pamphlet since his *Nouvelles Observations*, and it fully developed the political principles that would guide his constitutional proposals in the following weeks. In a response to criticism that his principles were weak, he began by reminding his readers of his role as leader in the *Patriote* movement, starting with the Dauphiné. Had he not been consistent in his opposition to despotism from the crisis' beginning? But he differentiated the monarch's legitimate authority from the arbitrary tyranny of a despot: “je ne suis l'ennemi de l'autorité que lorsqu'elle veut opprimer le peuple [. . .] j'abhorre l'abus de la force, la tyrannie ou la licence de la multitude, autant que le pouvoir arbitraire d'un seul [. . .] j'ai hautement professé mon attachement extrême au gouvernement monarchique.”³⁸¹ Never had he separated the liberty of a people from a monarchical form of

³⁷⁸ AP, 355-56. 6 August 1789.

³⁷⁹ AP, 349-50. 4 August 1789.

³⁸⁰ The full title is *Considérations sur les gouvernements et principalement sur celui qui convient à la France, soumises à l'Assemblée Nationale* (Paris: 1789). The copy consulted and cited here was that reprinted in the AP's appendix for 12 August on pages 407-422.

³⁸¹ AP, 407.

government, and nothing, he believed, could better uphold individual rights than a constitutionally-governed monarchy.

In a jab at the increasingly powerful National Assembly, he noted that arbitrary power was deplorable no matter which form it took, and that as the number of despots in a state increased, so too did the threat to individual liberties.³⁸² The current Assembly, unless checked, would inevitably degenerate into an aristocracy: “L'aristocratie est le pire des gouvernements, lors même qu'elle use avec modération de son autorité; elle avilit le caractère public; elle voue le plus grand nombre des citoyens au mépris de quelques familles.”³⁸³ To avoid the anarchy of a direct democracy, the French now had to accept, despite Rousseau, the principle of representation and the delegation of power. In making his point, Mounier had no qualms about citing the American example, despite reservations other Monarchiens had held in this regard: “De toutes les républiques anciennes et modernes, celles qui se sont le plus rapprochées des vrais principes sont certainement les États-Unis de l'Amérique; ils ont confié le pouvoir législatif à des représentants du peuple, et le pouvoir exécutif à un magistrat.”³⁸⁴ Through representation, moreover, the rich would have an important stake in gaining the favour of electors, many from subordinate classes, and therefore form a bond which would render opulence more acceptable to the vast majority of people.

Regarding the executive power's organizing principle, however, the Americans were not to be followed: “Le pouvoir exécutif est nécessairement faible, s'il est confié à temps et par élection.”³⁸⁵ In fact, Mounier predicted that much instability would result from the American presidential system. The French executive, therefore, should entirely be in the king's hands. Appealing to De Lolme's authority,

³⁸² Ibid., 408.

³⁸³ Ibid., 410.

³⁸⁴ Ibid.

³⁸⁵ Ibid., 411.

and citing failed examples from classical antiquity, Mounier argued that executive power was necessarily stronger when held by a hereditary ruler. In response to the increasingly numerous deputies who had lost faith in the compatibility of a powerful Louis XVI and the gains of the Revolution, he listed the numerous constitutional measures to be taken to prevent the monarchy's degeneration into despotism:

“La permanence ou le retour annuel des Assemblées nationales; la nullité de tous les subsides qui ne seraient pas accordés par ces Assemblées; la liberté de la presse; l'armée constituée de manière à ne pouvoir jamais être employée contre la liberté publique; des administrations provinciales; des municipalités; tous les citoyens plus directement intéressés aux affaires publiques; la responsabilité des ministres, de tous les autres agents de l'autorité, et la destruction des ordres arbitraires.”³⁸⁶

This long list of measures had, after all, been described by great writers such as De Lolme, and exemplified by the experience of Great Britain, both until recently *à la mode* among France's intellectual elite. But despite recent scepticism, one simply had to open his eyes to see that anyone who advocated the curtailment of the king's power under the constitution threatened the very liberties the French were now in a position to establish.

Conversely, on the composition of the legislature, the United States provided a wise example, as even they held the principle of representation to be a political axiom. Moreover, as egalitarian as the Americans may have been, they still imposed a property requirement for voters, and, in light of France's social disparities, to establish a system that surpassed America in egalitarianism was simply foolish: “Il faudrait avoir une philosophie bien hardie pour vouloir être plus exempt de préjugés que les Américains.”³⁸⁷ Likewise, the individual American states, with the possible exception of Pennsylvania, were wise enough to have adopted bicameral legislatures. Mounier considered a unicameral chamber

³⁸⁶ Ibid., 412.

³⁸⁷ Ibid., 413.

dangerous, as too much power would be concentrated in the hands of its deputies.³⁸⁸ What was most suitable for France in this sense, according to Mounier, was not a senate elected *à l'américaine*, but rather the British Peers. His proposed peerage, however, was not to be understood in the French sense of a privileged corporate order; they would not be a closed order and would therefore not possess an *esprit de corps*. Instead it would be meritocratic, and maintain the public good by balancing the interests of the king and the representatives in the lower house.³⁸⁹ Mounier was still willing, however, to accept a senate as a compromise in light of current prejudices. Perhaps it could be comprised of senators for life, or of elected officials: “Nous devons au moins espérer qu'on établira un sénat formé comme la plupart des premières Chambres américaines, et une Chambre de représentants.”³⁹⁰ The representatives from the lower chamber alone would have the prerogative of proposing any financially related bills or granting the king subsidies, while both chambers would have the power to propose laws of any other nature. Finally, the upper chamber would hold a veto over any proposed laws by the lower chamber and vice versa.

While the Americans provided acceptable examples in some instances, in others Mounier explicitly rejected their guidance. This was primarily because he could never be brought to accept the idea of a republican France. Britain's long experience of a stable and relatively liberal government had shown conversely that the strengthening of royal authority was not necessarily incompatible with the preservation of individual rights and liberties. The British example appeared to make his proposed polity acceptable in the eyes of his peers, and thus he could conveniently invoke British history as justification for proposals that simply appeared impolitic in light of circumstances such as the king's

³⁸⁸ *Ibid.*, 416.

³⁸⁹ *Ibid.*, 417.

³⁹⁰ *Ibid.*, 418.

uncertain attitude *vis-à-vis* the Revolution. But the British were not to be imitated blindly, Mounier conceded, as their system was nonetheless fraught with defects:

“Je connais les vices de la constitution britannique, et surtout l'irrégularité de la représentation dans la Chambre des Communes; mais je suis toujours convaincu qu'on ne peut organiser avec quelque perfection un gouvernement monarchique, sans se rapprocher des principes de celui des Anglais. On ne prétendrait pas pouvoir faire mieux que cette nation, si l'on se rappelait qu'elle a profité des leçons de l'expérience, et qu'elle a employé des siècles à concilier la liberté publique avec l'autorité du Roi.”³⁹¹

France now had the opportunity to perfect a flawed system that had in any case proven the most conducive to the preservation and spread of public liberty. To avoid the system's pitfalls, France could rely on its neighbour's political experience as well as reason.

The greatest contradiction in Mounier's constitutional proposals was his simultaneous insistence on the strict separation of powers and the need for the king to participate in the legislature through his right to sanction or veto new laws. Appealing to the wishes of the *cahiers*, he argued that without this power the king would be reduced to the position of the nation's first magistrate and that France would be a republic rather than a monarchy.³⁹² But how to reconcile the notions that the king could share in the executive and legislative powers without becoming despotic while a unicameral assembly would necessarily lead to tyranny? Mounier's answer was that the key to prevent the blurring of powers would be the king's inability simultaneously to sanction and propose laws, as the initiative for law-making would rest entirely with the Assembly:

“Ainsi ce droit ne réunit pas tous les pouvoirs dans les mains du Roi, et il prévient cette réunion dans celles des représentants. De Lolme a très judicieusement observé que le partage du pouvoir exécutif l'énervé entièrement, et qu'il est un malheur pour l'État, tandis que le partage du pouvoir législatif produit au contraire les plus grands avantages, en ce

³⁹¹ Ibid., 417.

³⁹² Ibid., 413.

qu'il ralentit la marche de la législation, et la rend sage et réfléchie. Il faut en effet beaucoup de lenteur et de prudence pour l'établissement des lois, et beaucoup de promptitude et d'activité dans leur exécution."³⁹³

While in America governors possessed only a suspensive veto, in France a veto would be absolute. This was the only mechanism that could put the brakes on the Assembly's power. Mounier did not specifically outline, however, why a suspensive veto would be insufficient, and merely pointed out that the National Assembly's duty had been not to eliminate royal authority but to regulate it.

Perhaps the *Considérations*' greatest flaw, aside from the aforementioned contradictions, is that Mounier thought his arguments were axiomatic while others did not think so. He was so convinced of his arguments' verity that he failed to develop adequately his justifications of the king's right to veto or sanction new laws. His effort in justifying bicameralism was more convincing, as he was willing to accept an American-styled senate in lieu of a British-modelled peerage, but he nonetheless made a higher wealth requirement a precondition, which would necessarily exclude a significant portion of Third Estate candidates. In other words, he did not sufficiently alleviate fears that the chamber would turn into a aristocratic bastion that would oppose the will of the nation. Moreover, he could not adequately develop his argument that royal authority would necessarily be compatible with the Revolution's goals. Despite the methods he listed to keep the king from acting arbitrarily, the Assembly was more impressed by the recent experience with the king's near *coups d'états* and ambiguity regarding his acceptance of the changes precipitated by the night of 4 August.

The *Considérations* marked the beginning of an aggressive constitutional offensive, the tone of which betrayed the Monarchiens' awareness that they were losing the battle for the Assembly's support. On 17 August Clermont-Tonnerre took the Assembly's presidency, and Bergasse made his report on the

³⁹³ Ibid., 414-15.

organization of the judiciary on behalf of the constitutional committee. In his typically philosophical style, Bergasse argued that the judiciary was by far the most important of the powers, yet that it required the tightest regulation because it affected all aspects of life. Thus, it was absolutely crucial that the judiciary have absolutely no say in the state's law-making process. This was ostensibly a critique of the *parlements'* claims to hold judicial and legislative authority simultaneously. Moreover, it was absolutely necessary to ensure that judges were prevented from forming corporations as they did in the *Ancien Régime*, when the *parlements* had formed an interest group of their own and blatantly expressed their particular wills in their capacity as law-makers, to the detriment of the public interest.³⁹⁴ To prevent such abuses, Bergasse proposed measures such as the accountability of judges, reduction of their number to a bare minimum, elimination of venal offices, and provision of justice to all classes of citizens. Moreover, the *parlements* would be entirely eliminated. He recognized that they had in the past served the cause of liberty, and offered his and the nation's gratitude, but the elimination of despotism via constitutional methods would render their continued existence a dire threat to liberty.³⁹⁵ Moreover, his concern to prevent the union of judicial and legislative power resulted in the reduction of the judiciary to an extension of the executive branch. As Pascal Pasquino has observed, his conception of the division of the state's power was anti-Montesquieuan and differed significantly from the American model. Bergasse's judiciary was never meant to interpret the law flexibly; rather, it was to be subordinated to the will of the legislators and bound strictly to the implementation of the law.³⁹⁶

In the following week, the Assembly remained absorbed by debates on the Declaration of Rights. The most notable Monarchiens' speech during this period was Lally's defence of Mounier's

³⁹⁴ AP, 440-41. 17 August 1789.

³⁹⁵ AP, 442-43.

³⁹⁶ Pasquale Pasquino, "Nicolas Bergasse and Alexander Hamilton: the Role of the judiciary in the Separation of Powers and two conceptions of the Constitutional Order," in *Rethinking the Atlantic World: Europe and America in the Age of Democratic Revolutions*, eds. Manuela Albertone and Antonino De Francesco (New York: Palgrave Macmillan, 2009), 80-99.

proposition. On this occasion, Lally seemed to lose his composure in his criticism of the debate's metaphysical turn. He criticized the French character, comparing it negatively to the British, who had preserved their liberty without endlessly debating philosophy: “Les Anglais, c'est-à-dire le peuple du monde entier qui entend le mieux la science du gouvernement [. . .] lorsque nous naissons à peine à cette science, en vérité il y a trop de témérité à nous de prétendre rabaisser ceux que des siècles de méditation et d'expérience ont éclairés.”³⁹⁷ It simply outraged Lally, as it did Mounier, that the Assembly could shun the guidance of history and experience in favour of speculative solutions when they had never been truly free as the British long had been. The Monarchiens' logic eventually proved forceful, as the form proposed by Mounier was eventually agreed upon on 26 August.³⁹⁸

On the following day, the debates on the Declaration of Rights were paused to address the issue of the composition of the legislature, and on 31 August Lally delivered the constitutional committee's report on the legislature. The latter report was immediately followed and backed on every point by Mounier in his report on the articles of the constitution pertaining to the legislature. Lally's constitutional proposals, moreover, were virtually identical to those outlined in Mounier's *Considérations*. Lally's main points were that it was axiomatic that the executive power should remain undivided and in the hands of the king. The legislature would be divided in as many portions as possible, and the executive power would have a voice in the legislative process.³⁹⁹ To support his claims he liberally quoted the likes of William Blackstone, John Adams, and British constitutional history dating from the Civil War to the Glorious Revolution.

³⁹⁷ AP, 458.

³⁹⁸ AP, 488-89. 26 August 1789. This article, however, was not adopted in the final Declaration of Rights of Man and of the Citizen.

³⁹⁹ AP, 514.

Lally argued that since power naturally tended to despotism it was necessary to institute the separation of powers, as only this could provide the checks and balances necessary for the preservation of a free government:

“De là suit la nécessité de balancer les pouvoirs, la nécessité de diviser la puissance législative, et la nécessité de la diviser, non pas en deux, mais en trois portions. Un pouvoir unique finira nécessairement par tout dévorer. Deux se combattront jusqu'à ce que l'un ait écrasé l'autre. Mais trois se maintiendront dans un parfait équilibre, s'ils sont combinés de telle manière que quand deux lutteront ensemble, le troisième, également intéressé au maintien de l'un et de l'autre, se joigne à celui qui est opprimé contre celui qui opprime, et ramène la paix entre tous.”⁴⁰⁰

This separation of powers was not that of Montesquieu between the executive, legislature, and judiciary, but rather that of De Lolme between the king, upper chamber, and lower chamber. The legislature, divided between a House of Representatives and a Senate, would ensure a wise and slow movement of the government's law-making operations, and prevent any precipitate action. The American system as described by John Adams also insisted on this need, and if even the Americans, so often invoked by the opponents of bicameralism and of the absolute veto, considered this principle sacred, why would the Assembly blatantly discard it? Naturally, Lally continued, all new laws would have to be approved by the three powers before being enacted: first a law would be proposed by the upper or lower chamber, as the king would not have the power to initiate laws, and they would then have to be approved by the other chamber and finally by the king.

In the ten days following Lally's report, the Assembly continued to debate the major questions addressed by both Lally and Mounier until the votes of 10 and 11 September: whether the future French legislature would be composed of one or two chambers, the relationship between these chambers, and whether the king would possess a suspensive or absolute veto. Not all of our

⁴⁰⁰ *AP*, 515.

Monarchiens, however, would be as consistent as Lally and Mounier in their support of and justification for bicameralism and the veto; both Malouet and Clermont-Tonnerre argued for constitutional arrangements that differed from the model proposed by Mounier and Lally. Both consistently backed the absolute veto, but in his defence of the measure, Malouet continued to make use of a Rousseauian logic that equated the king's unitary will to the nation's general will:

“Alors la résistance du Roi serait inutile contre un vœu formellement exprimé par la nation. Le veto royal n'est efficace qu'autant qu'il signifie que la loi proposée n'est pas l'expression de la volonté générale; s'il s'agit d'une loi importante, c'est un véritable appel au peuple, et dans les cas ordinaires, c'est un avertissement aux représentants qu'ils se sont mépris sur un principe d'administration.”⁴⁰¹

The veto, even if absolute, could never be used against the general will by Malouet's logic, as it effectively *was* the nation's will. Therefore, the veto would ensure that no deviation from the national will occurred and would only be used by the king when he feared that the National Assembly had deviated from representing their constituents' interest. The balancing of interest between a British-styled aristocracy, the Third Estate, and the king was therefore not the motivation behind Malouet's support of bicameralism and of the absolute veto, as it was for Lally and Mounier, but rather a system in which an authoritative king ruled under the auspices of the nation's consent.

On the issue of bicameralism, both Malouet and Clermont-Tonnerre clearly broke rank with Lally and Mounier by arguing against providing an upper chamber with the right of an absolute veto over the chamber of representatives. Clermont-Tonnerre, for instance, argued that the separation of powers did not require that a law be approved by the upper chamber to reach the king for approval:

“De là, j'opinerais pour deux Chambres, sans que l'une eût droit de veto sur l'autre; le Sénat sera chargé de l'examen, la Chambre des représentants de proposer des lois. Pour établir la balance des pouvoirs, il suffit, ce me semble, de la permanence de l'Assemblée nationale, de

⁴⁰¹ AP, 536. 1 September 1789.

la responsabilité des agents du pouvoir exécutif; et pour que celui-ci ne puisse avoir rien à craindre du pouvoir législatif, je suis d'avis d'accorder au roi le veto absolu.”⁴⁰²

Clermont-Tonnerre may have agreed on the necessity of instituting the separation of powers as a guarantee against despotism, but his version deviated from the De Lolmian model advocated by Mounier and Lally. Rather, the permanence of the Assembly coupled with ministerial accountability would suffice to render strong royal authority compatible with liberty. Malouet's final argument for bicameralism was likewise that a senate would be necessary to review laws proposed by the representatives, but that the senate would not possess the right of veto: “Je suis donc d'avis de composer l'Assemblée nationale de deux Chambres, dont l'une appelée Chambre des représentants, et l'autre Chambre du conseil ou Sénat, toutes deux électives, sans veto l'une sur l'autre, mais avec droit de révision par le Sénat des décrets proposés par la Chambre des représentants.”⁴⁰³ Malouet, however, never invoked the principle of separating powers. Rather, his support of bicameralism was based on the need to temper any potentially precipitate and unconstitutional actions of an elected assembly.

The constitutional model advocated by Mounier and Lally was undoubtedly that of De Lolme's 'King in Parliament.' Malouet and Clermont-Tonnerre, however, while supporting the principle of bicameralism and of an absolute royal veto, were willing to forego De Lolme's political axiom: that legislation be made an extremely cautious process by requiring that laws gain the consent of both chambers and the king. The mere examination of new laws by a senate without a veto was enough to slow the march of law-making for Malouet and Clermont-Tonnerre. Moreover, the fundamental principle of the balance of interest that De Lolme's model would institute in France was not one that Malouet and Clermont-Tonnerre insisted upon. Rather, they both subordinated the legislature's function

⁴⁰² *AP*, 574. 4 September 1789.

⁴⁰³ *AP*, 590. 7 September 1789.

to the king's unitary will, which was equated to the unitary will of the nation. As Lally, Mounier, and Bergasse effectively resigned from the National Assembly following 6 October, Malouet and Clermont-Tonnerre continued to advocate this model in the *Club des Impartiaux* and *Club Monarchique*.⁴⁰⁴ Nonetheless, Malouet and Clermont-Tonnerre shared with Lally, Mounier, and Bergasse the unwillingness to allow even the slightest encroachment of executive prerogatives on the part of the Assembly and the notion that legislative power had to be divided while the executive power remained unitary. In this sense, they, too, were 'Monarchiens.'

Regarding political tactics, we have seen that the Monarchiens were pushed together in several instances to act cohesively, but that in other crucial junctures they diverged significantly. This was most notable in the case of the Third's transformation into the National Assembly. Bergasse, who vociferously resented privilege, bordered Sieyès in his radicalism, while Mounier wanted to exhaust all possible options and focus on reconciliation. Malouet, for his part, was willing to accept the nobility's intransigence. The common thread that ran through all five of our Monarchiens was their revulsion at public disorder, violence, and the pressure exerted on the Assembly by the Parisian populace. In this regard, they were far from alone and shared this revulsion with many who were vocal opponents of their constitutional proposals.

Did a uniform group of Monarchiens exist during the constitutional debates of 1789 as Furet and Halévi have claimed? No. Rather, the term Monarchiens described a group of men who loosely shared principles such as belief that the monarchy was the only possible form of government in France, that royal authority needed to be subordinated to the law, that laws had to win the sanction of the nation through elected representatives, that a legislature be divided into two chambers with the king as an

⁴⁰⁴ See Robert Griffiths, *Le Centre Perdu: Malouet et les "monarchiens" dans la Révolution française* (Grenoble: Presse Universitaire de Grenoble, 1788), Chapter 4 and 6.

integral part, and that the king hold the plenitude of the executive power. They often reacted to circumstances differently, and some were willing to set aside their principles for the sake of political expediency. There existed several distinct Monarchiens in the summer of 1789, rather than *the* Monarchiens.

Chapter 5: Conclusion

Among the subjects that continue to fascinate historians is the failure of the French Revolution to establish a stable constitutional monarchy. Instead, the Revolution quickly radicalized, revolutionaries overthrew the monarchy, the Jacobin Republic was established, and, ultimately, the Terror ensued.⁴⁰⁵ The Monarchiens have largely been viewed as offering an alternative to this path; by modelling their proposals on British and American principles, perhaps the French could have avoided bloodshed. Historians who lamented the Revolution's path to violence have praised the Monarchiens' constitutional proposals, while those who applauded the Jacobin Republic's egalitarian goals have viewed the Monarchiens as reactionaries. Moreover, for the most part, the discussion has tended to focus on why the Monarchiens failed.

This last point is best exemplified by the works of François Furet and Ran Halévi, who, in recent times, have put forth one of the most influential views of the Monarchiens. Their main argument is that a revolutionary political culture had grown out of an amalgamation of absolutism's political legacy and the philosophy of the French Enlightenment, particularly that of Jean-Jacques Rousseau, which rendered legitimate political opposition or dissent treacherous. The unitary will of the King was replaced by the unitary will of the sovereign nation, and consequently, the failure of the balancing of interest that the Monarchiens' model sought to constitutionally institute was inevitable. Particular interests, in other words, was seen as incompatible with the new political order the revolutionaries established. For Furet and Halévi, the Monarchiens' model was the British 'King in Parliament,' in which the interests of the court, the lords, and the commons were balanced by the triple division of the legislature. The king, at least theoretically, remained the most powerful organ of this system as he retained the plenitude of the executive power and an absolute veto over legislation. The formation of laws, which

⁴⁰⁵ François Furet and Ran Halévi, "L'année 1789," *Annales: E.S.C.* 44 (1989), 3-24.

would have to be approved by all three of the legislature's components (the House of Peers, the House of Commons, and the king), would make precipitate legislation nearly impossible. This view has not gone unchallenged, most notably by Timothy Tackett, who argues that the revolutionaries' political culture was the result of experience, particularly with an uncompromising noble order and an ambivalent and recalcitrant king. According to Tackett, the Monarchiens were rightfully viewed as reactionaries, and the reason for the rejection of their proposals was their incompatibility with the political realities of the summer of 1789.⁴⁰⁶

A detailed analysis of the five most influential Monarchiens during this period reveals that there are problems with the interpretation of Furet and Halévi, which presumes more ideological coherence within the group than existed in reality. Ultimately, it is incorrect to portray the Monarchiens as being steadfast proponents of the 'King in Parliament' model. The Monarchiens' position on several crucial political issues evolved throughout the *Ancien Régime's* last years, often in direct contradiction with their previous stances. One such shift occurred between the spring of 1788 and the winter of 1789. As opposition mobilized nationwide against royal ministers and in favour of the *parlements*, Bergasse and Mounier were leaders in their criticism of ministerial abuses. At this stage, they borrowed the rhetoric developed by the adherents of the *Thèse Nobiliaire*, such as the claim that the French possessed an ancient constitution in which the *parlements* stood as the bulwarks of liberty. Montesquieu's model of the separation of power, between the legislature, the executive, and the judiciary was used to justify such a vision in which France's historic division was between the Estates General, the king, and the *parlements*. However, when the *parlements* became the principal opponents of an increase in the Third Estate's political power, Bergasse and Mounier were quick to revise their

⁴⁰⁶Timothy Tackett, *Becoming a Revolutionary: the Deputies of the French National Assembly and the Emergence of a Revolutionary Culture* (Princeton, NJ: Princeton University Press, 1996).

accounts of France's past. They now denied the existence of an ancient constitution, and adopted De Lolme's separation of power between Peers, Commons, and king as their model, demoting the judiciary to an arm of the executive. Their political positions, then, were often the direct result of shifting circumstances rather than ideology.

On the eve of the Estates General, important differences emerged among the Monarchiens. Malouet, contrary to Bergasse and Mounier, advocated a constitutional system in which the king was granted the power to initiate laws and the Estates General the power to veto them, rather than the other way around. In this model, then, the unitary will of the king would continue to be the ruling principle, though now the nation's will would have an institutional voice. Throughout the constitutional debates of July to September 1789, although all five had argued for bicameralism and an absolute royal veto, a split became apparent within the group. On one side, were Mounier and Lally-Tollendal, who both uncompromisingly argued for a British 'King in Parliament' model, advocating the triple division of the legislature, and the need for both the king and the upper chamber to hold an absolute veto over laws proposed by an elected lower chamber. The only variation they were willing to accept in this regard was one of form more than of substance: when the idea of a House of Peers became hopeless in mid-August, they were willing to accept a Senate. In their speeches, they referred to the examples of British history, and to writers such as Blackstone and De Lolme.

The second group was composed of Malouet and Clermont-Tonnerre. The polity they envisioned was fundamentally different from that of Mounier and Lally. The main difference was the importance of the executive. In the case of Clermont-Tonnerre, the shift from his earlier position is particularly noteworthy, as he seemed to have initially been a fervent opponent of absolutism and proponent of the strict separation of powers prior to the opening of the Estates

General. From July forward, as a result of the increased public disturbances and the king's apparent powerlessness to reestablish order, Clermont-Tonnerre, however, became concerned above all with the National Assembly's encroachment on the king's executive power. Malouet, for his part, was more consistent on the point of ensuring the king as the government's central organ. Throughout the constitutional debates, more than any other of the Monarchiens, he used the general will of the nation as justification for the absolute royal veto. The king, no longer absolute, would nonetheless be extremely powerful and would continue to exercise his unitary will, but now his claim to represent the nation would be legitimized through the National Assembly's consent. It is therefore not surprising that Malouet and Clermont-Tonnerre were both willing to accept an upper chamber with only a suspensive veto: both envisioned a polity that reinforced the unitary interests of the nation as expressed by the will of the king rather than a balancing of interest among a British-style aristocracy, the Third Estate, and the Crown.

Bergasse was somewhat exceptional. Although his involvement in the *Affaire Kornmann* had made him a national hero on the eve of the Revolution, he was almost entirely silent during the constitutional debates. Nevertheless, his previous and subsequent writings demonstrate that he too supported the 'King in Parliament' model advocated by Mounier and Lally.⁴⁰⁷ However, it is noteworthy that he does not fit the image of the Monarchiens as pragmatic politicians who scorned the metaphysics of their quixotic peers in the National Assembly. Bergasse's few speeches in Versailles read like philosophical tracts rather than forceful political interventions. In effect, he was the archetypal inexperienced and overly philosophical deputy. It is therefore

⁴⁰⁷ Nicolas Bergasse, *Lettre de M. Bergasse sur les États-Généraux* (Paris: 1789); *Cahier du Tiers-États à l'assemblée des États-généraux de l'année 1789* (Paris: 1789); and *Discours de M. Bergasse sur la manière dont il convient de limité le pouvoir législatif et le pouvoir exécutif dans une monarchie* (Paris: 1789). This last piece was published shortly after the votes of September 10 and 11, and was intended to be a speech given by Bergasse on the eve of the votes.

inaccurate to portray the supporters of the 'King in Parliament' model simply as realistic politicians opposed by the idealism of a revolutionary political culture.

Thus the most important adherents of bicameralism and of the absolute royal veto did not fail because they presented a coherent ideological program that ran aground against an antagonistic political culture. They shared common points, such as their revulsion at popular disturbances and lawlessness, their belief that the King should continue to be the government's central locus of power, their support of ministerial accountability, their support of the complete elimination of the *parlements*, their belief in the sacred nature of property, and their support of a wealth requirement for electors and deputies. They did not, however, present a coherent doctrine.

This begs the question: why did the Monarchiens' program fail? The most convincing explanation is that of Tackett, although he overstated the Monarchiens' reactive bent. The Monarchiens' unwillingness to negotiate on the issues of bicameralism and the absolute royal veto became foolishly impractical in light of the circumstances of the summer of 1789. Although Mounier and Lally tirelessly tried to alleviate fears that an upper chamber would act in the same manner as the noble chamber at the offset of the Estates General, the example of Great Britain was inadequate on its own and could not feasibly have convinced the majority of the National Assembly that a fiasco like the May and June deadlock would not reoccur. Moreover, Louis XVI's equivocal, ineffectual, and vacillating position throughout the summer of 1789 could not have convinced a resolute National Assembly that he would live up to the Monarchiens' expectations. Notwithstanding their failures, the Monarchiens' proposals would bear a striking resemblance to the Charter established during the Restoration, and were not altogether without merit. The Charter, too, would however prove untenable in the face of a nation's liberal

aspirations, an uncompromising king who lacked his subjects' trust, and a group of reactionaries who were unwilling to accept political realities.

Appendix I

Jean-Joseph Mounier

He was the leader of the Dauphiné revolution, at the vanguard of the *Patriote* movement in their opposition to the May Edicts, and the first of ten deputies from the Dauphiné's Third Estate to be elected to the Estates General. It was he who initiated the Tennis Court Oath on 20 June 1789. In the National Assembly, he was elected to several high profile positions such as the post of secretary on 3 July, as a member of the first and second constitutional committees, and to the post of president on 28 September.⁴⁰⁸ He was one of the main authors of the Declaration of the Rights of Man and Citizen and of the first French Constitution. Finally, he is one of Alphonse Aulard's 'eloquent orators,' one of François Furet's 'orators,' and categorized by Edna Hindie Lemay as one of the 96 deputies who spoke *often*, despite his short tenure in the National Assembly.⁴⁰⁹

Trophime-Gérard, Comte de Lally-Tollendal

Prior to the Revolution he rose to national prominence by denouncing the *parlements* and urging sweeping judicial reforms due to the controversial execution of his father. He was in the vanguard of the *Patriote* movement as a member of the secretive 'Society of Thirty.' He was the third to be elected for Paris's ten-member noble deputation to the Estate-General. He also served the function of the Parisian nobility's secretary. On 25 June 1789, he was among the 47 liberal

⁴⁰⁸ For a reference on some of the leading Monarchiens' official appointments in the National Assembly from July to September 1789, see Sergienko Vladislava, "Thèse: les Monarchiens au cours de la décennie Révolutionnaire," *Annales historiques de la Révolution française* 356 (2009), 180.

⁴⁰⁹ See Edna Hindie Lemay; Christine Favre-Lejeune; Yann Fauchois; Alison Patrick; et al, *Dictionnaire des Constituants, 1789-1791* (Paris: Universitas, 1991), 704; Furet and Halévi's *Orateurs de la Révolution française*, vol. I, *les Constituants* (Paris: Gallimard, 1989). 135 pages are dedicated to Mounier (of a total of 1169 pages); Alphonse Aulard's *Éloquence parlementaire pendant la Révolution française: les orateurs de l'Assemblée constituante* (Paris : Hachette. 1882). 6 pages are dedicated to Mounier's speeches (of a total of 550 pages).

noble deputies who defected to the National Assembly. In the National Assembly, he was elected to several high profile positions such as to the post of secretary on three consecutive occasions (3 July, 18 July, and 3 August)⁴¹⁰ and was elected to the first and second constitutional committees. He was one of the orators of Aulard and Furet, and considered by Lemay as among the 96 deputies who spoke *often*.⁴¹¹

Stanislas, Comte de Clermont-Tonnerre

He was at the forefront of the *Patriote* movement as a member of the Society of Thirty prior to the Revolution. He was the first of Paris's ten-member noble deputation to the Estates General, where he also served as president.⁴¹² He was among the leaders of the 47 liberal nobles who defected to the National Assembly on 25 June. In the National Assembly, he was elected to the post of secretary on 3 July, as a member of the first and second constitutional committees, and was twice elected to the post of president on 17 August and 9 September.⁴¹³ He was one of the orators of Aulard and Furet, and considered by Lemay as one on the Assembly's 53 deputies who spoke *very often*.⁴¹⁴

Pierre-Victor Malouet

He was a royal administrator with over 25 years of experience by 1789, and the only deputy in the National Assembly to have held the post of *intendant royale*.⁴¹⁵ His administrative, ministerial and royal connections made him extremely unpopular in the National Assembly, but

⁴¹⁰ Vladislava, 180.

⁴¹¹ Lemay, 505. In Furet and Halévi's *Orateurs*, Lally's speeches of July to September fill 45 pages. In Aulard's *Eloquence*, Lally fills 18 pages.

⁴¹² Lemay, 220.

⁴¹³ Vladislava, 180.

⁴¹⁴ Lemay, 221. In Furet and Halévi's *Orateurs*, Clermont-Tonnerre's speeches fill 44 pages, with only 1 between June and September 1789. In Aulard's *Eloquence*, Clermont-Tonnerre fills 12 pages.

⁴¹⁵ *Ibid.*, 55.

he was nonetheless very vocal and was one of the orators of Aulard and Furet, and considered by Lemay as one of the Assembly's 53 deputies who spoke *very often*.⁴¹⁶

Nicholas Bergasse

He was an outspoken critic of ministerial despotism first as a practising member and leader of the mesmerist movement in the early 1780s, then as defence lawyer in the *Affaire Kornmann*. He was the last of Lyon's Third Estate deputy, elected in his absence due to the reputation he had gained as a *Patriote* throughout the Kornmann trial. On the eve of the Estates general, he had become an outspoken critic of the privileged orders. He was elected to the first and second constitutional committees, and was assigned the task of composing a report on the judicial system that he presented on 17 August, 1789.⁴¹⁷ Bergasse is one of the orators of Aulard and Furet.⁴¹⁸

⁴¹⁶ Ibid., in Furet and Halévi's *Orateurs*, Malouet's speeches fill 70 pages, with 32 between June and September 1789. In Aulard's *Eloquence*, Malouet fills 11 pages.

⁴¹⁷ Lemay, 82-83.

⁴¹⁸ In Furet and Halévi's *Orateurs*, Bergasse's speeches fill 37 pages, with 31 between June and September 1789. In Aulard's *Eloquence*, Bergasse fills 4 pages.

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