

The Old Régime and the French Revolution

BY

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Alexis de Tocqueville was born of a noble family at Verneuil, in Normandy, in 1805. He became an assistant magistrate in the French government, and in 1831 he received permission to go to America to study the penal system, together with a fellow magistrate and friend, Gustave de Beaumont. He traveled in America for nine months. On his return, he wrote, with Beaumont, a report on the American penal system. He then wrote *Democracy in America*, which was published in 1835, and was immediately recognized as a masterpiece. He was active in French politics, serving briefly as Minister of Foreign Affairs in the Republican government established after the Revolution of 1848. He described this period in his *Recollections*. As a result of the coup d'état of Louis Napoleon, he retired from public life. He died in Cannes in 1859.

Tocqueville spent the last years of his life working on a major study of the French Revolution and its consequences. He completed only the first volume of this study before his death. This volume was published under the title *L'Ancien régime et la révolution* in 1856, and was translated into English the same year.

For the Anchor edition of this classic work, Stuart Gilbert has translated the text of the fourth French edition (published in December, 1858), the last to appear in Tocqueville's lifetime. The notes at the back of the book have not been translated anew; we have used the translation of John Bonner, published in New York in 1856, and have revised and corrected them for this edition.

his successor (in 1750). "The nobles in these parts are worthy folk but very poor, and as proud as they are poor. Their prestige has sadly declined. It is not bad policy to keep them in this state, for thus they are obliged to have recourse to us and to carry out our wishes. They have formed a closed society, to belong to which a man must prove his right to four quarterings on his escutcheon. It meets only once a year, and it is not officially recognized; merely tolerated. The Intendant is always present at this society. On such occasions, after dining and attending Mass in a body, these worthy gentlemen go home, some on foot, and some on old, worn-out hacks. It's quite a comical sight—as you will see for yourself."

This gradual impoverishment of the nobility was not peculiar to France. It was taking place in all parts of the continent where the feudal system was in process of dying out without being replaced by a new form of aristocracy. In German territory, along the Rhine, the decadence of the indigenous nobility was particularly marked and attracted much attention. England was the one exception. There the old nobility had not only retained but greatly increased its wealth; its members were still the richest and most influential of the King's subjects. True, new families were coming to the fore, but their wealth was no greater than that of the ancient houses.

In France the commoners alone seemed to be taking over the wealth that was being lost by the nobility, to be growing fat at their expense. Yet there was no law preventing the middle-class man from ruining himself or helping him to amass a fortune. All the same he steadily grew wealthier and frequently became as rich as, sometimes richer than, the nobleman. Moreover, his wealth often took the same form; though usually residing in a town, he owned land in the country and sometimes even bought up entire seigneurial estates.

Education and a similar style of living had already obliterated many of the distinctions between the two classes. The bourgeois was as cultivated as the nobleman and his enlightenment came from the same source. Both had been

educated on literary and philosophic lines, for Paris, now almost the sole fountainhead of knowledge for the whole of France, had cast the minds of all in the same mold and given them the same equipment. No doubt it was still possible at the close of the eighteenth century to detect shades of difference in the behavior of the aristocracy and that of the bourgeoisie; for nothing takes longer to acquire than the surface polish which is called good manners. But basically all who ranked above the common herd were of a muchness; they had the same ideas, the same habits, the same tastes, the same kinds of amusements; read the same books and spoke in the same way. They differed only in their rights.

I doubt if this leveling-up process was carried so far in any other country, even in England, where the different classes, though solidly allied by common interests, still differed in mentality and manners. For political freedom, though it has the admirable effect of creating reciprocal ties and a feeling of solidarity between all the members of a nation, does not necessarily make them resemble each other. It is only government by a single man that in the long run irons out diversities and makes each member of a nation indifferent to his neighbor's lot.

CHAPTER NINE

How, though in many respects so similar, the French were split up more than ever before into small, isolated, self-regarding groups

Let us now turn to the other side of the picture and observe how these same Frenchmen who had so much in common were kept apart from each other to an extent hitherto unknown in France; perhaps unparalleled in any other country.

When the feudal system first struck root in Europe, the nobility (to use the term that subsequently came into cur-

rency) did not immediately, so far as we can judge, assume the form of a caste. Composed of all the leading men in the nation, it was no more than an aristocracy (in the exact sense of the term) during its early phase. There is no occasion here to go deeply into the question and I confine myself to pointing out that by the Middle Ages it had developed into a caste, by which I mean that membership in it was essentially a matter of birth and had become hereditary.

True, it retained one of the chief functions of an aristocracy, that of being a governing body; but birth alone decided who should be the leaders of the nation. Those who were not of noble blood were automatically excluded from the magic circle, and though they might hold posts of some importance in the administration, these were always of a subordinate nature.

Wherever feudalism established itself on the continent it led to the formation of a caste of this description; in England, exceptionally, it gave rise to an aristocracy. I have always been surprised that a circumstance that renders England so different from all other modern nations and which alone explains the peculiarities of her laws, history, and traditions has not received more attention from historians and statesmen—and that long familiarity has made Englishmen themselves so unaware of it. Some have had glimpses of this fact and alluded to it briefly; but never, to my knowledge, has it been adequately dealt with by observers of the English scene. Thus when Montesquieu visited England in 1739, he wrote to a friend, "Here am I in a land that is quite unlike any other European country"—but he let it go at that.

It was not merely parliamentary government, freedom of speech, and the jury system that made England so different from the rest of contemporary Europe. There was something still more distinctive and more far-reaching in its effects. England was the only country in which the caste system had been totally abolished, not merely modified. Nobility and commoners joined forces in business enterprises, entered the same professions, and—what is still more

significant—intermarried. The daughter of the greatest lord in the land could marry a "new" man without the least compunction.

For when we seek to discover whether the caste system, with its age-old conventions and social barriers, has been definitively eradicated in any country, the acid test is that country's marriage customs. Even in modern France, after sixty years of democracy, we often find the old prejudices surviving. Though persons of high rank and parvenus may seem to fraternize in other respects, intermarriage between the classes is still discountenanced.

One often hears it said that the English nobility has proved itself more adroit, more worldly wise, more accessible to new ideas than any other. It would be truer to say that for a long time past there has been no nobility in England, if we use the term "nobility" in the sense it has elsewhere.

Though this curious revolution (for such in fact it was) is hidden in the mists of time, we can detect traces of it in the English language. For several centuries the word "gentleman" has had in England a quite different application from what it had when it originated, and, similarly, there is no equivalent for its French antithesis, the word *roturier*. It would have been impossible to translate into English, even in 1664 when Molière wrote it, the line:

"Et tel que l'on le voit, il est bon gentilhomme."

A study of the connection between the history of language and history proper would certainly be revealing. Thus if we follow the mutations in time and place of the English word "gentleman" (a derivative of our *gentilhomme*), we find its connotation being steadily widened in England as the classes draw nearer to each other and intermingle. In each successive century we find it being applied to men a little lower in the social scale. Next, with the English, it crosses to America. And now in America it is applicable to all male citizens, indiscriminately. Thus its history is the history of democracy itself.

In France, however, there has been no question of enlarging the application of the word *gentilhomme*, which as

a matter of fact has, since the Revolution, dropped out of common use. This is because it has always been employed to designate the members of a caste—a caste that has never ceased to exist in France and is still as exclusive as it was when the term was coined many centuries ago.

I will, indeed, go further and say that this caste has become more and more exclusive and that a tendency diametrically opposed to what we have observed in England has been operative in France. For while the bourgeois and the nobleman were becoming more and more alike in many ways, the gap between them was steadily widening, and these two tendencies, far from counteracting each other, often had the opposite effect.

In the Middle Ages, and so long as the feudal system was in full force, all who held their land from a seigneur (those who in feudal terminology were properly described as vassals), many of whom were not of noble birth, were expected to co-operate with their lord in the administration of the *seigneurie*; this was in fact one of the chief duties attaching to their tenure. Not only had they to follow their lord in war, but they were bound by the terms of their vassalage to spend a stated period of each year at his court, during which time they aided him in administering justice and maintaining law and order among the dwellers on his estate. These courts were a vital element of the feudal system. In all ancient European legislative codes we find specific mention of the seignorial courts, and vestiges of them can still be found in parts of modern Germany. Thirty years before the Revolution an expert in this field, Edme de Fréminville, published an exhaustive study of feudal rights and land tenure as revealed in the records of seignorial estates. He tells us that the title deeds of many *seigneuries* prove that all vassals were required to make fortnightly attendances at the lord's court, where, sitting with the lord himself or his judge in ordinary, they held assizes and settled controversies between persons residing within his jurisdiction. These records show, he tells us, that in some *seigneuries* there were as many as two hundred vassals of this kind, many of them *roturiers* (men of

non-noble birth). This is but one of many instances that might be cited of the close, day-to-day contacts between the countryfolk and the nobility, and their joint management of local affairs. What the lords' courts did for the small landed proprietors was done by the provincial Estates and, later, the Estates-General for the town-dwelling middle class.

Indeed, when we study such records of the proceedings of the Estates-General in the fourteenth century as have survived, we cannot fail to be struck by the place assigned to the Third Estate in these assemblies and the power it exercised. Doubtless, from the point of view of his mental and moral equipment the fourteenth-century bourgeois was much inferior to his eighteenth-century counterpart; nevertheless, the middle class as a body were accorded a higher, more responsible position in those early days. Their right to participate in the government of the country was taken for granted, their opinions always carried weight in political assemblies and often were preponderant, and the other classes never forgot that theirs was a force to be reckoned with.

But most striking of all is the fact that the nobility and the Third Estate found it so much easier in those days than at any later time to co-operate in the management of public affairs. We find ample evidence of this not only in records of the proceedings of the fourteenth-century Estates-General (several of which indulged in turbulent, not to say revolutionary, manifestations owing to the troubled conditions of the age), but also in those of the provincial Estates whose sessions, so far as we can judge, were conducted in an orderly, traditional manner.³⁰ Thus in Auvergne we find the three Orders passing important measures in joint session, and delegates from each Order superintending their execution. The same thing happened in the province of Champagne. A famous example of this co-operation between the classes is the association jointly formed by the nobles and the citizens of many French towns at the beginning of the fourteenth century with a view to defending the liberty of the nation and the ancient

rights of the provinces against encroachments of the royal power.⁸¹ Many such incidents took place in this period, incidents which one would expect to figure in a history of England rather than in ours. But nothing of this sort happened in the following centuries.

For as the lords' administration of their *seigneuries* gradually broke down; as convocations of the Estates-General became fewer or altogether ceased; and as our nation-wide freedoms succumbed, dragging down with them all local liberties, there was a tendency for the upper and the middle classes to co-operate less and less in public affairs and thus to draw apart. Every day the rift between them widened until, by the eighteenth century, nobleman and bourgeois never met except by chance in private life. And by then the two classes were not merely rivals, they were foes.

What seems peculiar to France is that at the very time when the nobility, *qua* Order, was losing its political power, the nobleman as an individual was granted privileges he had never hitherto enjoyed and was even extending those he had already. It seemed as if individuals were enriching themselves at the expense of the Order as a corporate body. More and more the nobility was being divested of its right to rule, but by the same token the nobles enjoyed more and more the exclusive prerogative of being the chief servitors of their supreme overlord, the King. It was easier for a man of humble extraction to become a high official under Louis XIV than it was under Louis XVI. (The same thing had been often happening in Prussia at a time when in France it was as yet unheard of.) Each privilege, once granted, became hereditary and inalienable. Thus in the course of ceasing to be an aristocracy, the nobility tended more and more to become a caste, thriving on vested rights.

The privilege most resented by the general public, that of exemption from taxation, became progressively more valuable from the fifteenth century up to the Revolution. For its value obviously kept pace with the steady increase in the financial burdens imposed on the mass of the people. When (under Charles VII) a mere 1,200,000 *livres*

were brought in by the tax known as the *taille*, the advantages of exemption were relatively slight. But when, under Louis XVI, the sum raised by taxation was eighty millions the value of the privilege was enormous. So long as the *taille* was the only impost to which the rest of the population was subject, the nobleman's immunity attracted little attention. But when taxes of this order were multiplied under a host of names and in various forms; when four other imposts were assimilated to the *taille*; and when obligations unknown in the Middle Ages—notably forced labor requisitioned by the Crown for public works and compulsory service in the militia—were superadded, with a complete disregard for equality, keen resentment was felt for the privileged position of the nobility.⁸² True, the inequality, though great, was not so bad as it seemed, since the nobleman was often affected indirectly, through his tenants, by taxes from which ostensibly he was exempted. But in such cases injustice that is glaring causes more irritation than actual injury.

Harassed by the perpetual financial crises of the last years of his reign, Louis XIV had recourse to two new taxes which took no account of class distinction: a poll tax (capitation) and the *vingtième*. But so strong was the feeling that exemption from taxation was too venerable, not to say too sacrosanct, to be roughly handled that though the new taxes were borne by all alike, care was taken that the manner of their collection was very different:⁸³⁻⁸⁵ harsh to the point of brutality for one section of the population and, for the other, courteous, indulgent.⁸⁶

Although inequality of taxation prevailed all over Europe, there were few countries in which it had become so flagrant and so much detested as in France. In a great part of Germany taxation was mostly indirect, and even as regards direct taxation the nobles did not escape altogether, their privilege often consisting merely in being assessed at a somewhat lower rate than other taxpayers. Moreover, there were some taxes falling on the nobility alone; these took the place of the unpaid military service which otherwise would have been exacted from them.

Of all the various ways of making men conscious of their differences and of stressing class distinctions unequal taxation is the most pernicious, since it creates a permanent estrangement between those who benefit and those who suffer by it. Once the principle is established that noblemen and commoners are not to be taxed at the same rates, the public is reminded of the distinction drawn between them year by year when the imposts are assessed and levied. Thus on these occasions each member of the privileged class takes notice of the practical interest he has in differentiating himself from the masses and in stiffening the barriers between himself and them.

Since so many debates on public affairs concern an existing tax or the imposition of a new one, it is obvious that when one section of the community is exempt and another subject to it, they will rarely see eye to eye or wish to meet together and exchange ideas. Thus little or no effort is required to keep them apart, there being no incentives or any inclination to act in concert.

In his flattering picture of the old French constitution Burke mentioned as a point in favor of the French nobility the ease with which a commoner could obtain a title by securing one of the official posts that automatically ennobled their holders. Here, to his thinking, was something analogous to the "open" aristocracy of England. No doubt Louis XI had distributed titles lavishly, but his aim was to lower the prestige of the nobility. If his successors were equally lavish of titles, this was for a different motive: that of raising money. Necker tells us that in his day no less than four thousand official posts carried titles with them. Nothing of this sort was to be seen in any other country on the continent; yet the parallel drawn by Burke between France and England was due to a misconception of the facts.

The reason why the English middle class, far from being actively hostile to the aristocracy, inclined to fraternize with it was not so much that the aristocracy kept open house as that its barriers were ill defined; not so much that entrance into it was easy as that you never knew when you

had got there. The result was that everyone who hovered on its outskirts nursed the agreeable illusion that he belonged to it and joined forces with it in the hope of acquiring prestige or some practical advantage under its aegis.

But the barriers between the French nobility and the other classes, though quite easily traversed, were always fixed and plain to see; so conspicuous, indeed, as to exasperate those against whom they were erected. For once a man had crossed them he was cut off from all outside the pale by privileges injurious both to their pockets and their pride.

Far from reducing the dislike of the nobility felt by their "inferiors" the practice of ennobling commoners had the opposite effect. The envy with which the newly made nobleman inspired his former equals intensified their sense of being unfairly treated. This explains why the Third Estate in its petitions for radical changes always shows more animosity towards the recent creations than towards the old nobility, and far from asking that the ways of access to the privileged class should be more widely open to commoners, constantly demands that they be narrowed.

In no other period of French history was it so easy to acquire a title as in 1789, yet never had the gap between the middle class and the nobility been so great. Not only did the nobles refuse to tolerate in their electoral body anything that savored in the least of the bourgeoisie, but the bourgeois showed an equal distaste for anything and anyone of high extraction. In some provinces newly ennobled men were given the cold shoulder by the former because they were not thought high-born enough, and by the latter because they were already too much so! (This happened, we are told, to that famous man Lavoisier.)

When we turn from the nobility to the middle class we find a very similar state of affairs; the bourgeois was almost as aloof from the "common people" as the noble from the bourgeois.

Under the old régime nearly all the middle class preferred to live in the towns, and there were two causes for this preference: the privileges of the nobility and the *taille*.

The lord who lived on his estate usually displayed a certain bonhomie towards his peasants—in fact, they got on very well together—but he made no secret of his disdain for his middle-class neighbors. This disdain had continuously increased, keeping pace with the decline of his political influence, and in fact because of it. For one thing, now that he no longer held the reins of power, there was no need to humor people who might have aided him in his public duties; and also (as has often been remarked) he tried to console himself for the loss of real power by an exaggerated insistence on such prerogatives as still were his. Even when he lived away from his estate, this did not make things any more agreeable for his neighbors; on the contrary, they felt all the more aggrieved, since privileges flaunted by a deputy seemed still more odious.

Yet I am inclined to think that the *taille* and the other imposts linked up with it were more to blame. It would be easy to explain, relatively briefly, why the incidence of the *taille* and the taxes assimilated to it made itself felt more strongly in rural districts than in towns. But for my present purpose it is enough to point out that the urban middle class, acting as a group, had many means of reducing the impact of the *taille* and sometimes of escaping it altogether; whereas an isolated member of that class, living in the country on his own land, had no such means of escape. One of the chief advantages of the town dwellers was that they were not concerned with collecting the *taille*—an obligation dreaded even more than that of having to pay it. Indeed, there was no post under the old régime (or, for that matter, any other that I know of) so unenviable as that of the rural tax collector, as I shall have occasion to point out later, in another context. No one living in a French village (except members of the nobility) was exempted from this duty; many rich commoners left their lands and moved to the nearest town so as to avoid it. All the records I have studied bear out Turgot's statement that "the obligation to collect the *taille* was changing all rural landowners, noblemen excepted, into town dwellers." (This, by the way, is one of the reasons why there are so many more

towns, small towns especially, in France than in most other European countries.)

Living within the four walls of a town, the rich bourgeois soon lost any taste he might have had for country life and came to regard the activities and ways of living of the men of his own class who stayed on the land as all but incomprehensible. For he had now, to all intents and purposes, only one ambition: that of securing an official post of some kind in the place where his lot was cast. For it is a great mistake to suppose that the keen desire for office displayed by the modern Frenchman, in particular the bourgeois, developed only after the Revolution. This peculiar passion took its rise several centuries before, and since then it has never ceased to grow, thanks to the encouragement given it by the powers-that-be.

The posts available under the old régime were not the same in all cases as they are today, but they were, I think, even more numerous; indeed, the number of minor civil servants was legion. Within no more than sixteen years, from 1693 to 1709, it would seem that some forty thousand new official posts, for the most part open to members of the lower middle class, were created. On examining the statistics of quite a small provincial town I found that in 1750 a hundred or more of its inhabitants were engaged in the administration of justice and a hundred and twenty-six in the execution of judgments passed by the courts.

There can be few, if any, parallels for this intense desire of the middle-class Frenchman to cut an official figure; no sooner did he find himself in possession of a small capital sum than he expended it on buying an official post instead of investing it in a business. This deplorable propensity had a worse effect than the guilds or even the *taille* on the progress of trade and agriculture in France. When there was a shortage of available posts, the office seekers were quick to think up new ones. Thus we find a man named Lemberville publishing an "open letter" to the effect that it is in the public interest to appoint an inspector for the supervision of an industry which he names—and winding up by suggesting he should be given the post. A familiar

type, this M. Lemberville—we all have met him! To a man of some education and with a little money of his own it seemed unbecoming to go to his grave without having held an official post sometime in his career. "Everybody according to his walk in life," wrote a contemporary, "wishes to be a 'somebody' by royal appointment."

The chief difference between the times of which I now am speaking and modern France is that the government then sold official posts, whereas now it gives them. To obtain one a man no longer pays in hard cash; he goes one better—and sells himself.

Segregated from the peasantry by his place of residence and still more by his way of living, the bourgeois was usually estranged from them no less by a conflict of interests. There were many justified complaints about the privileges enjoyed by the nobility in the matter of taxation, but there were equal grounds for complaint as regards the middle class. For thousands of official posts existed which carried with them partial or total exemption from the burdens imposed on the general public: one post exonerated its holder from service in the militia, another from forced labor, another from the *taille*. Where is there a parish, asked a writer of the day, which does not contain, apart from nobles and ecclesiastics, a number of citizens who have secured immunity from taxation in virtue of the official posts they hold or public duties they perform? One of the reasons which led now and again to the abolition of certain official posts earmarked for the middle class was the diminution of revenue caused by so many exemptions from payment of the *taille*. I am convinced that the number of persons thus exempted was as great among the bourgeoisie as among the nobility, and indeed often greater.

While enraging all who did not share in them, these odious prerogatives inspired their possessors with a pride as inordinate as it was shortsighted. Throughout the eighteenth century the hostility of the urban middle class towards the peasantry living around the towns and the jealousy of the latter were common knowledge. "Every town," wrote Turgot, "is bent on promoting its own interests at

the expense of the rural districts in its vicinity." Elsewhere he says, addressing his subdelegates, "You have often been obliged to check the tendency of the towns to overstep their lawful rights in dealing with the rural population within their spheres of influence."

Even the common people living beside the bourgeois in the towns came to regard the peasantry almost as members of an alien race and often to dislike them. Most of the local dues levied by the townsfolk were so contrived as to bear most heavily on the humblest members of the community. I have found ample evidence in support of Turgot's opinion that the middle class had found means of arranging city tolls in such a way that they themselves were unaffected by them.

But what perhaps strikes us most in the mentality and behavior of our eighteenth-century bourgeois is their obvious fear of being assimilated to the mass of the people, from whose control they strained every effort to escape. "Should it be His Majesty's pleasure," the burgesses of a town suggested in a memorandum to the Controller-General, "to restore the elective system for the post of Mayor, it would be well to enact that the electors must choose their candidates among the notables of the town or even limit these to members of the presidial court."

We have seen that the policy of our Kings was gradually to withdraw the exercise of their former political rights from the ordinary townsfolk; this is the keynote of all royal legislation from the reign of Louis XI to that of Louis XV. Often the middle class joined in promoting measures of this kind; sometimes, indeed, suggested them.

In 1764, when reforms were being made in urban administration, an Intendant invited the municipal officials of a small town to give their opinion as to whether or not the artisans "and other humbler classes" should retain the right of electing magistrates. The answer given was that though in practice "the people had never misused this right and it would certainly seem more gracious to let them, as in the past, choose those who were to govern them, nevertheless, in the interest of good order and the public peace

it seemed advisable to vest this power in the assembly of notables." The subdelegate, for his part, reported that he had invited "the six most worthy citizens" to his house for a secret conference and they had expressed a unanimous opinion that the wisest course was to restrict the electorate in these cases not merely to the assembly of notables (as the municipal officials had proposed) but to a small committee representing the various corporations of which the assembly was composed. In transmitting this opinion to his chief the subdelegate, whose views were more liberal than those of the six gentlemen in question, remarked that "it seemed unfair to expect the working population to pay the sums imposed by their fellow citizens without their having any say about the manner in which the money raised was to be expended; the aforesaid fellow citizens being very likely men who, thanks to their exemption from taxation, were least affected by levies of this kind."

To complete the picture, let us now examine the position of the middle class as distinct from the common people in the same way as we examined that of the nobility vis-à-vis the middle class. The first thing to catch our notice in this small section of the nation is the immense number of separate elements of which it was composed. Like those substances once thought indivisible in which modern scientists, the more closely they examine them, find more and more separate particles, the French bourgeoisie, while seemingly a uniform mass, was extremely composite. Thus I find that the notabilities of a quite small town were split up into no less than thirty-six distinct groups. Small as they were, these groups kept trying still further to narrow themselves down by expelling all such elements as seemed in any way out of sympathy with their aims. Indeed, this exclusiveness was carried to such a pitch that some of these groups comprised only three or four members. But this made them all the more vocal, the more determined to assert themselves. Each group was differentiated from the rest by its right to petty privileges of one kind or another, even the least of which was regarded as a token of its exalted status. Thus they were constantly wrangling over

questions of precedence, so much so that the Intendant and the courts were often at a loss for a solution of their differences. "At last an order has been passed that the holy water is to be given to the judges of the presidial court before being given to members of the town corporation. The parlement had been unable to come to a decision, so the King took the matter up in Council and has decided it himself. It was high time, too, as the whole town was in a ferment." When a group was not given the precedence it claimed in the general assembly of notables, it ceased to attend, preferring to withdraw from public affairs altogether rather than to stomach such an affront to its dignity. In a small provincial town, La Flèche, the guild of wig-makers ventilated its "just indignation" in this manner when the bankers' union was given precedence of it. In another town we find several of the leading men refusing to perform their civic functions because (as the Intendant reports) "some artisans have been admitted to the assembly and the notables deem it beneath them to consort with persons of this kind." "If a mere notary is appointed sheriff," another Intendant tells his chief, "the notables will feel affronted, since all the notaries here are men of low extraction and started out as clerks." The above-mentioned "six most worthy citizens," who had so lightheartedly decided that "the common people" should be mulcted of their political rights, found themselves in a curious quandary when it came to deciding who the notables in question were to be and what order of precedence should obtain between them. On this delicate question they were far less categorical and even expressed a fear of wounding the susceptibilities of some of their fellow citizens.

These disputes about questions of prestige between small groups of men gave many occasions for the display of that personal vanity which seems innate in Frenchmen—to the exclusion of the honest pride of the self-respecting citizen. Most of the corporate bodies of which I have been speaking were in existence as far back as the sixteenth century, but in those early days their members, after having settled among themselves such matters as concerned their

group interests, made a point of conferring with all the other inhabitants of the town or city when matters affecting the community at large were to be discussed. By the eighteenth century, however, these groups had withdrawn to a great extent from this wider sphere of action, since municipal business was much reduced in volume and transacted by specially empowered officials. Thus each of these small groups lived only for itself and, quite literally, minded its own business.

That word "individualism," which we have coined for our own requirements, was unknown to our ancestors, for the good reason that in their days every individual necessarily belonged to a group and no one could regard himself as an isolated unit. Nevertheless, each of the thousands of small groups of which the French nation was then composed took thought for itself alone; in fact, there was, so to speak, a group individualism which prepared men's minds for the thorough-paced individualism with which nowadays we are familiar.

What is still more singular is that all these men, split up into compact groups though they were, had become so similar as to be almost interchangeable; that is to say any one might have moved out of his group into another without one's noticing any difference in his practices or personality. Moreover, had anyone with a gift for psychology delved into their inmost feelings, he would have found that these very men regarded the flimsy barriers dividing people so much alike as contrary both to the public interest and to common sense and that already, theoretically anyhow, these ancestors of ours were all for unity. Each set store on his status as member of a particular group because he saw others asserting their personalities in this way; yet all were quite ready to sink their differences and to be integrated into a homogeneous whole, provided no one was given a privileged position and rose above the common level.

CHAPTER TEN

How the suppression of political freedom and the barriers set up between classes brought on most of the diseases to which the old régime succumbed

In the preceding chapters I have described the most pernicious of the diseases from which the old régime suffered and which ultimately proved fatal to it. I will now revert to the origin of this strange and fateful malady and show how many other ills were likewise due to it.

If with the passing of the Middle Ages the English, like the French, had been deprived not only of political freedom but also of those local franchises which, once the former is extinct, cannot survive for long, we may be fairly sure that the various classes of which their aristocracy was composed would have become estranged from each other (as was the case in France and, to a greater or less extent, in all parts of the continent), and that all alike would have set up barriers between themselves and their "inferiors." But, by reason of the political freedom obtaining in England, the aristocracy and the lower orders were obliged to maintain contact with each other so as to be able to join forces if and when the need arose.

Particularly noteworthy is the skill with which the English nobility, in order to safeguard their position, were quite ready, whenever it seemed advisable, to fraternize with the common people and to profess to regard them as equals. Arthur Young (whose *Travels* contain one of the most judicious accounts we have of the state of France just before the Revolution) tells us that when visiting the Duke of Liancourt he expressed a wish to meet some of the richest and most knowledgeable local farmers and the Duke told his agent to arrange for this. Young observes that had the Duke been an Englishman, he would have invited three

or four farmers to his residence and they would have dined at the family table in company with ladies of the highest rank. Such a thing, he adds, would have been quite out of the question anywhere in France, from Calais to Bayonne.

True, the English aristocrats were haughtier by nature than the French and even less disposed to demean themselves by hobnobbing with persons of lower rank; nevertheless, they were compelled to do so by the force of circumstances. No sacrifice was too great if it ensured their power. For many centuries the only inequalities of taxation existing in England have been those successively introduced in favor of the poorer classes. It is curious to see how a difference in political principles led to a complete divergence in the social system of two countries separated only by a narrow arm of sea. In England during the eighteenth century it was the poor who enjoyed exemption from taxation; in France it was the rich.³⁷ The English aristocracy voluntarily shouldered the heaviest public burdens so as to be allowed to retain its authority; in France the nobles clung to their exemption from taxation to the very end to console themselves for having lost the right to rule.

In the fourteenth century the principle of "No taxation without the people's consent" seemed as well established in France as in England herself. It was often cited; to override it was always regarded as a tyrannical gesture, and to abide by it as the due observance of an immemorial right. Indeed, at that time the political institutions in France and England were very similar. Subsequently, however, there was a parting of the ways, and as time went on, the two nations became ever more dissimilar. Thus two lines starting out from practically the same point but given slightly different directions diverge more and more, the more they are prolonged.

It was on the day when the French people, weary of the chaos into which the kingdom had been plunged for so many years by the captivity of King John and the madness of Charles VI, permitted the King to impose a tax without their consent and the nobles showed so little public spirit as to connive at this, provided their own immunity was

guaranteed—it was on that fateful day that the seeds were sown of almost all the vices and abuses which led to the violent downfall of the old régime. Such, anyhow, is my opinion, and I fully endorse the view of our sagacious fifteenth-century historian Commynes when he writes: "Charles VII, when he succeeded in establishing the right of levying the *taille* at his own pleasure, without the consent of the Estates, laid a heavy burden on his own soul and on those of his successors, and moreover inflicted a wound on his kingdom which will continue bleeding for many years to come." Indeed this "wound" of which he speaks, far from healing, tended to enlarge itself, as is plain to see if we follow up the consequences of this disastrous innovation.

Forbonnais is right when in his *Enquiry into the Finances of France* he points out that during the Middle Ages our Kings usually lived on the revenues of their domains, and "since non-recurring expenditure was defrayed by 'extraordinary' taxation, this was borne equally by the clergy, the nobility, and the people."

Most of the nation-wide taxation voted by the Three Estates during the fourteenth century was, in fact, of this nature. For almost all these taxes were indirect; that is to say they were borne by all consumers without distinction. Such direct taxes as existed were levied not on real but on personal estate. For example, nobles, ecclesiastics, and townsfolk were ordered to remit to the King during a specified year one tenth of their total incomes. I am speaking here of taxes voted by the Estates-General; but the same applies to those imposed during this period by the provincial Estates within their several territories.

During this period, it is true, the nobleman was immune from the direct tax known as the *taille*, the reason being that he was compelled to perform military service at his own expense. But in those days the incidence of the *taille* as a tax of a general order was restricted; it concerned the *seigneurie*, the lord's domain, rather than the kingdom as a whole.

When for the first time the King decided to levy taxes

on his own account he saw it would be wiser to select a kind of tax that did not seem to hit the nobility directly. For they were in a sense his rivals and a constant danger to the monarchy, and they certainly would not have tolerated an innovation prejudicial to their interests. For these reasons his choice fell on a tax from which they were exempt, the *taille*.

Thus to the existing inequalities of various kinds he added yet another of a more general order, which intensified public feeling against the others. From now on, in proportion as the needs of the exchequer grew as a result of the extended functions of the central power, the *taille* was increased and given various forms; with the result that before long it had risen tenfold and all new taxes were assimilated to it. Thus year by year the inequality of taxation created an ever wider rift between classes, dividing up the nation more and more into watertight compartments.³⁸ Once taxation had been so contrived as to press most heavily on those who had least means of defending themselves against it, and not on those most capable of bearing the burden, the result was as inevitable as it was detested: the rich got off scot free and the poor suffered accordingly. When Mazarin, we are told on good authority, being in need of money, tried to put through a plan of levying a tax on all the big mansions in Paris, so violent was the opposition from interested parties that he decided to raise the five additional millions needed by an increase of the *taille*. He had proposed to tax the wealthiest citizens; he ended by taxing the poorest—and the Treasury lost nothing by the change.

Obviously there were limits to the productivity of taxes so unequally distributed; but there now were none to the financial exigencies of the French Kings. Yet they would neither convene the Estates with a view to getting subsidies voted, nor by taxing the nobles run the risk of inciting them to demand the convocation of these assemblies. Hence the prodigious, well-nigh diabolical ingenuity displayed by our Finance Ministers during the last three centuries of the monarchy. When we look into the history

of the administration under the old régime and the financial expedients it resorted to, we realize to what arbitrary, indeed unscrupulous, practices the lack of money may reduce an otherwise well-intentioned government when there is no public opinion to control it, once time has consecrated its authority and freed it from the fear of revolution, that last resort of an indignant nation.

In records of the period we constantly read of royal property being sold, then declared "unsalable" and taken back; of broken pledges; of established rights being brushed aside. In every financial crisis the creditor of the State was victimized and the government broke faith with the governed.³⁹

Privileges granted in perpetuity were constantly withdrawn. Indeed, if mishaps to a foolish vanity deserved any pity we could hardly help sympathizing with these unlucky people who, after having acquired a patent of nobility, were forced time and again during the seventeenth and eighteenth centuries to repurchase the unjust privileges or vain honors for which they had already paid several times over. Thus Louis XIV abolished all the titles that had been conferred during the past ninety-two years, mostly by himself, but their owners were allowed to retain them on payment of a further sum of money, "all the titles having been obtained by surprise," as the edict quaintly phrases it. And, eighty years later, Louis XV was moved to imitate this lucrative precedent.

Men called up for service in the militia were not allowed to furnish substitutes, for fear, it was declared, of raising the price paid by the government for recruits. Towns, commonalties, and hospitals were forced to repudiate their commitments so as to be able to lend money to the King. Parishes were debarred from undertaking works of public utility because it was feared that if they thus depleted their resources they might be less punctual in their payments of the *taille*.

It is on record that two high officials, M. Orry and M. de Trudaine, Controller-General and Director-General of Public Works respectively, drew up a plan for replacing

obligatory labor on the highways by the payment of a fixed sum to be levied from the inhabitants of each district for the upkeep of their roads. The reason why these able administrators had to abandon the project is revealing. It was feared that once this fund had been established, there was nothing to prevent the exchequer from diverting it to its own use, with the result that very soon ratepayers would be saddled with a new impost and the duty of forced labor as well. Indeed, it might be said that had a private person managed his own affairs in the same way as our great King in all his glory managed the public finances, he would soon have found himself in the clutches of the law.

When we come across any ancient medieval custom which was maintained, with its worst elements willfully exploited in defiance of the spirit of the age, or any new and equally pernicious measure, we always find, if we go to the root of the matter, some financial expedient that has crystallized into an institution. Thus, to meet emergencies of a temporary order, new powers were frequently created which were to last for centuries.

A special impost named the *droits de franc-fief* had been instituted at a very early period, its effect being to tax commoners who owned fiefs properly accruing to the nobility. Thus it created the same distinction between landed estates as that obtaining between individuals, and each of these distinctions tended to aggravate the other. I am indeed inclined to think that this impost was more responsible than any other for the great gulf that developed between the nobleman and the non-noble, since it prevented them from making common cause regarding that form of property which more than any other causes men to pool their interests: the ownership of real estate. Thus the noble landed proprietor and his neighbor, the non-noble landowner, were constantly reminded of the vast difference between them. In England, on the other end, nothing has done more to bring together these two classes than the abolition (in the seventeenth century) of all distinctions between the nobleman's fief and land held by a commoner.

In the fourteenth century the feudal due of *franc-fief*

was far from onerous and only rarely levied; but in the eighteenth century, when feudalism was in its death throes, it was stringently enforced, a sum equivalent to a whole year's income being exacted every twenty years. The son had to pay it when he stepped into his father's place. In 1761 the Société d'Agriculture at Tours denounced it with considerable courage. "This tax is doing infinite harm to agriculture. Of all the imposts to which the King's subjects are liable, none is more vexatious, none presses so heavily on our farmers and agricultural workers." And another contemporary observes that "this due, formerly exacted only once in a lifetime, has gradually become an intolerable burden."⁴⁰ Even the nobles would have welcomed its abolition, since it discouraged commoners from buying their land. Unfortunately, owing to financial stringency, the fiscal authorities insisted on its retention, and even increased it.

The Middle Ages are often held responsible for all the evils caused by the trade corporations. This view is mistaken; everything goes to show that at their inception the trade and craft guilds were no more than associations enabling persons engaged in the same occupation to get together and set up small, independent governing bodies whose task it was at once to protect the interests of the workers and to control them. This, in fact, was what St. Louis aimed at, so far as can be ascertained.

It was not until the beginning of the sixteenth century, in the heyday of the Renaissance, that for the first time the right to work as an artisan came to be regarded as a "privilege" purchasable from the King. Only then did each corporation develop into a small, closed oligarchy and those monopolies arise which so greatly handicapped the crafts and professions and displeased our ancestors. From the reign of Henri III, who generalized, though he did not originate, the mischief, to that of Louis XVI, who did away with it, the evils of the guild system steadily increased at the very time when social progress was making them seem less tolerable and public opinion was growing ever more resentful of such despotic methods. Year after year new

branches of industry were brought under the yoke and the monopolies of the older guilds extended. Things were at their worst during the "best years" (as they are called) of the reign of Louis XIV for the good reason that never had the government needed money so badly, nor had any monarch been so determined not to appeal to the nation in such emergencies. Letronne was right when he said (in 1775) that the State had established these corporations simply with the object of making them a source of revenue, partly from the sale of licenses and partly by the creation of new "offices," which the corporations were forced to buy up. "The Edict of 1673 carried the policy of Henri III to its logical conclusion when it obliged the guilds to take out 'letters of confirmation' on payment of a certain sum. All artisans who were not as yet enrolled in a guild were forced to join one, and this odious transaction brought in 300,000 *livres*."

We have already seen how in the French towns the whole system of municipal elections was changed, not for political ends, but simply with a view to raising money for the Treasury. It was this same urgent need of money, combined with a reluctance to ask it from the Estates-General, that led to the widespread sale of offices, a phenomenon perhaps unique in history. This practice, in its origin a purely financial expedient, skillfully exploited the vanity of the Third Estate, the desire of the commoner to hold some public office. Indeed, the craving to secure a place in the bureaucracy became a second nature with the Frenchman, and had much to do with the servile state to which the people were reduced and the revolutionary movement.

For the creation of new offices kept pace with the ever growing financial difficulties of the central power, and all these posts carried with them exemption from taxation or other privileges.⁴¹ Thus since the needs of the Treasury and not those of the administration were the decisive factor, a well-nigh unbelievable number of offices, some merely superfluous, some actively pernicious, were created.⁴² In 1664, when Colbert made a survey of the finances of the realm, he found that the capital invested in

this egregious form of "property" amounted to almost five hundred million *livres*. Richelieu, we are told, abolished a hundred thousand offices, but they were promptly reestablished under other names. For the sake of raising some paltry sums of money the central power deprived itself of the right to supervise efficiently the work of its own agents and to keep them under control. In the result, the administrative machinery which was thus built up year by year became so intricate and so inefficient that it had to be left running idle, so to speak, while alongside it was set up another instrument of government, at once simpler and easier to manipulate, which in practice carried out the functions nominally performed by the horde of officeholders who had bought their way into the bureaucracy.

It is obvious that none of these pernicious institutions would have survived for long had free discussion of them been permitted. Indeed, none would have been established, still less allowed thus to proliferate, had the opinion of the Estates-General been taken or had the protests made by them on the rare occasions when they were still convened been listened to. For during the last centuries of the monarchy the evils of the system were denounced by the Estates-General at every opportunity. They made no secret of their belief that at the root of these evils was the power, usurped by the King, of arbitrarily levying taxes or, as they put it in the forthright language of the fifteenth century, "the right of battenning on the people's flesh and blood without discussion by the Three Estates and without their consent." The Estates-General did not merely stand up for their own rights; they vigorously and often successfully championed those of provinces and towns. At each successive meeting voices were raised against the inequalities of the burdens imposed on taxpayers; on several occasions there were demands for the abolition of the guild system, and century by century the sale of offices was denounced with ever increasing vehemence. "Trafficking in offices is tantamount to selling justice and a highly immoral act." And long after the system had become an established custom, the Estates-General continued to protest against

the creation of new offices, of a host of parasitic functionaries and invidious privileges. But their protests were unavailing; indeed, these institutions were actually intended to undermine their authority, implementing as they did the King's reluctance to convene the Estates-General and his desire to hide from the French people the nature of the taxation he dared not let them see in its true colors.

Strangely enough the best Kings had recourse to these expedients no less than the worst. It was Louis XII who first made a regular practice of the sale of offices and it was Henri IV who took to selling the reversion of them—so much stronger were the vices of the system than the virtues of the men who operated it.

The same desire of breaking free of the control of the Estates-General led to the practice of vesting the parlements with numerous political functions. The effect was an entanglement of the judicial with the administrative authority highly prejudicial to the good conduct of public affairs. But it was necessary to replace the rights which had been taken away by some new constitutional guarantees, since though the Frenchman will submit patiently enough to absolute power provided it is not oppressive, he dislikes the sight of it; thus it is well to place in front of it some sort of screen which, without obstructing, masks it to some extent.

Finally, it was the desire of preventing the nation whose money was being asked for from asking back its freedom that led the government to spare no pains in maintaining the barriers between the various classes, which were thus unable to join forces and put up an organized resistance. This ensured the safety of the central power, which had to deal only with small, isolated groups of malcontents. Though in the long history of the French kingdom so many admirable monarchs occupied the throne at various periods, many of them remarkable for their practical shrewdness, some for their high intelligence, and almost all for their courage, not one of them ever made an attempt to unite classes and obliterate their distinctions otherwise than by reducing them all to a common state of dependence on the Crown.

No, I am making a mistake; one of our monarchs made it his aim and, indeed, put all his heart into it, and—how inscrutable are the ways of Divine Providence!—that was the ill-starred Louis XVI.

The segregation of classes, which was the crime of the late monarchy, became at a late stage a justification for it, since when the wealthy and enlightened elements of the population were no longer able to act in concert and to take part in the government, the country became, to all intents and purposes, incapable of administering itself and it was needful that a master should step in.

"The nation," Turgot wrote regretfully in a confidential report to the King, "is an aggregate of different and incompatible social groups whose members have so few links between themselves that everyone thinks solely of his own interests; no trace of any feelings for the public weal is anywhere to be found. Villages and towns have no more intercourse between them than have the districts in which they are included. They cannot even come to an agreement about carrying out public works indispensable for their welfare. In view of their endless bickerings and conflicting claims, Your Majesty is obliged to decide everything by yourself or through your agents. Special orders from you are needed before anyone will contribute in any way to the public good, respect his neighbor's rights, and, sometimes, even make the best use of his own."

It was no easy task bringing together fellow citizens who had lived for many centuries aloof from, or even hostile to, each other and teaching them to co-operate in the management of their own affairs. It had been far easier to estrange them than it now was to reunite them, and in so doing France gave the world a memorable example. Yet, when sixty years ago the various classes which under the old order had been isolated units in the social system came once again in touch, it was on their sore spots that they made contact and their first gesture was to fly at each other's throats. Indeed, even today, though class distinctions are no more, the jealousies and antipathies they caused have not died out.