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978-0-521-45407-0 - The Remaking of France: The National Assembly and the Constitution  
of 1791

Michael P. Fitzsimmons

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*Part One*

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## 1 The crisis of the Old Regime

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A kingdom in which the provinces are unknown to one another ... where privileges upset all equilibrium, where it is not possible to have either steadfast rule or consensus, is obviously a very imperfect kingdom

Calonne to Louis XVI, August 20, 1786

In presenting a memorandum to the monarch that candidly delineated several deficiencies in the structure and administration of the kingdom, the Controller-General of Finances, Charles-Alexandre de Calonne, sought to make Louis XVI comprehend that modifications in the traditional method of governance were imperative. Under the Old Regime, French society was organized corporatively. In order to bypass the Estates-General, the traditional institution for popular consent, the Crown, in exchange for recognition of the imposition of its authority, had bolstered the corporate framework of French society. As a result, a demarcation remained between the state and society – the Crown was less an integral part of society than a separately constituted entity.<sup>1</sup> The metaphors and vocabulary of theorists sought to emphasize a holistic image of the polity and to portray it as an organic whole, but the reality was quite different.<sup>2</sup>

1 See, for example, Elizabeth Fox-Genovese, *The Origins of Physiocracy: Economic Revolution and Social Order in Eighteenth-Century France* (Ithaca, 1976), p. 108; Michael Sonenscher, *The Hatters of Eighteenth-Century France* (Berkeley, 1987), pp. 6–8; Gail Bossenga, *The Politics of Privilege: Old Regime and Revolution in Lille* (Cambridge, 1991), p. 7. On the evolution and structure of French society under the Old Regime, see François Jean Olivier-Martin, *L'Organisation corporative de la France de l'ancien régime* (Paris, 1939); Emile Coornaert, *Les Corporations en France avant 1789* (Paris, 1941); Roland Mousnier, *The Institutions of France Under the Absolute Monarchy 1598–1789*, 2 vols. (Chicago, 1979–1984); William H. Sewell, Jr., *Work and Revolution in France: The Language of Labor from the Old Regime to 1848* (Cambridge, 1980), pp. 16–61; Hubert Méthivier, *L'Ancien régime en France XVI<sup>e</sup>, XVII<sup>e</sup>, XVIII<sup>e</sup> siècles* (Paris, 1981); David Parker, *The Making of French Absolutism* (London, 1983); Pierre Goubert and Daniel Roche, *Les Français et l'ancien régime*, 2 vols. (Paris, 1984); William Beik, *Absolutism and Society in Seventeenth-Century France: State Power and Provincial Aristocracy in Languedoc* (Cambridge, 1985), which offers some nuances.

2 William H. Sewell, Jr., “Etat, corps and ordre: some notes on the social vocabulary of the French Old Regime,” *Sozialgeschichte Heute: Festschrift für Hans Rosenberg zum 70. Geburtstag*, ed. Hans Ulrich Wehler (Göttingen, 1974), pp. 48–68.

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Inextricably connected with this corporate structure – indeed, its very underpinning – was privilege. Privilege was the primary instrument of government and therefore the chief medium of political exchange between the state and society. At the beginning of each reign, for example, one method used by the new monarch to announce his accession to the throne was to issue an edict that confirmed the privileges of different provinces. Through this edict, the monarch tacitly acknowledged the rights of his subjects, who in turn implicitly recognized the legitimacy of his claim. This became a starting point of the reign that, in substance if not in form, was perhaps as important as the coronation ceremony. It is an indication of how vital an element privilege was that one scholar has, in fact, argued that privileged corporatism in France was “the functional equivalent” of constitutionalism in England.<sup>3</sup>

In contemporary usage, then, privilege was not a pejorative term, but simply a descriptive, juridic one. The *Encyclopedia*, for example – significantly, under a sub-heading of “government” – defined privilege entirely without irony or ridicule as useful or honorific distinctions enjoyed by some members of society that were not enjoyed by others.<sup>4</sup> Whether under the appellation of *privilèges*, *statuts particuliers*, *lois privées* or other designations, they were a principal device of the Crown for dealing with the different constituent elements of society. Consequently, privilege was a concept largely devoid of emotional content, for it permeated society, with virtually every corporate entity possessing privileges of some kind.<sup>5</sup> The pervasiveness of privilege in no way lessened its value; on the contrary, since every privilege, no matter how insignificant, served to differentiate one corporate body from another and

3 On privilege as a medium of exchange, see, for example, AD Côte d’Or C 2975, C 2976, C 2977; AD Ille-et-Vilaine C 3130, C 3131; AD Haute-Garonne C 42, letters-patent of king, confirming privileges of province of Languedoc, October 28, 1774; on privileged corporatism as the equivalent of constitutionalism, see David Bien, “The *Secrétaires du Roi*: absolutism, corps and privilege under the Ancien Régime,” *Vom Ancien Régime zur Französischen Revolution*, ed. Ernst Hinrichs, Eberhard Schmitt and Rudolph Vierhaus (Göttingen, 1978), pp. 153–168, especially p. 159. For more on the centrality of privilege to the Old Regime polity, see David Bien, “Offices, corps, and a system of state credit: the uses of privilege under the Ancien Régime,” *The Political Culture of the Old Regime*, ed. Keith M. Baker (Oxford, 1987), pp. 89–114; for a consideration of the coronation ceremony, see Richard A. Jackson, *Vive le Roi! A History of the French Coronation from Charles V to Charles X* (Chapel Hill, 1984).

4 *Encyclopédie, ou Dictionnaire raisonné des sciences, des arts et des métiers, par une société des gens de lettres*, Denis Diderot and Jean Lerond d’Alembert, eds., 17 vols. (Paris, 1751–1765), XIII: 389. To give but one example of its use in government, see AD Rhône 9 C 58, entry of February 21, 1789.

5 In the *Encyclopedia*, for example, following the general entries on privilege, there were nineteen cross references to related discussions of specific privileges. See *Encyclopédie*, XIII: 391. See also C. B. A. Behrens, *The Ancien Régime* (London, 1967), especially pp. 46–62.

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to enhance the standing of its possessor, each one was zealously defended against encroachment, even by the Crown. The Brittany Affair in particular illustrates the role of privilege under the Old Regime and buttresses the notion of it as a surrogate for constitutionalism, for it developed into a major constitutional crisis.

This obsession with maintaining and defending privilege – by guilds, professional bodies, provinces, municipalities and other entities – fostered a narrow, circumscribed outlook that splintered French society and in which broader societal concerns had little place. This state of affairs was entirely satisfactory to the Crown, for it allowed the Crown to act as arbiter and to claim that it alone could act for the greater interests of the kingdom. Indeed, Gail Bossenga has argued that privilege was a critically important vehicle in the growth of the power of the Crown under the Old Regime.<sup>6</sup> There was a pitfall in this course, however; if the use of privilege facilitated imposition of the will of the Crown on society, it also hindered the ability of the Crown to reform the kingdom, even in a limited and salutary fashion.<sup>7</sup>

For the most part, as long as its authority was not challenged in the fundamental fashion that it had been from the late sixteenth to the mid-seventeenth century, the Crown was generally prepared to compromise or even to yield when its claims collided with entrenched privilege. Conversely, as long as it respected their immunities and privileges, most corporate bodies were not inclined to confront the Crown. It was through this compromise that privileged corporatism became the superintending principle of Old Regime society.<sup>8</sup>

The developing financial crisis that led Calonne to draft his memorandum imperiled this compromise, for it made clear that one of the most important sectors of privilege, its fiscal component, had become a

6 Gail Bossenga, “City and state: an urban perspective on the origins of the French Revolution,” *The Political Culture of the Old Regime*, ed. Baker, pp. 115–140. See also Bossenga, *The Politics of Privilege*, p. 8.

7 Perhaps the best example of this near the end of the Old Regime is the experience of Turgot. See Douglas Dakin, *Turgot and the Ancien Regime in France* (London, 1939), especially pp. 245–246; Edgar Faure, *12 mai 1776. La Disgrace de Turgot* (Paris, 1961) and Keith M. Baker, *Condorcet: From Natural Philosophy to Social Mathematics* (Chicago, 1975), pp. 55–72, 202–214.

8 Two incidents from the reign of Louis XV reveal the nature of this compromise. During the tenure of the Controller-General Machault d’Arnouville, Louis XV yielded on the *vingtième* after it provoked protest among major privileged groups. On the other hand, Louis’s vigor and tenacity in the episode of the Maupeou *parlements*, despite the opposition it raised, arose from the fact that the *parlements* had challenged the sovereignty of the Crown. It was a struggle that ended only with Louis’s death. On Machault, see Marcel Marion, *Machault d’Arnouville. Etude sur l’histoire du contrôle général des finances de 1749 à 1754* (Paris, 1891); on Maupeou, Robert Villiers, *L’Organisation du Parlement de Paris et des conseils supérieurs d’après la réforme de Maupeou* (Paris, 1937).

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luxury that the state literally could no longer afford. The deterioration of the Crown's financial position – its debt had tripled in the previous fifteen years and more than half of its revenues were slated for debt service – led Calonne to urge Louis to embark upon a major reform of the kingdom, and especially to attack fiscal privilege.<sup>9</sup>

A leading scholar of French finances, J. F. Boshier, who characterized Calonne as “a determined conservative in the vital matters of financial administration,” has argued that by confining his program only to the *taille* and other such impositions Calonne did not fully attack the problem, and Boshier's brilliant study demonstrates that this is undeniably true.<sup>10</sup> At the same time, however, it was precisely Calonne's conservatism that made his proposals – however limited their utility – so significant, for if a “determined conservative” such as Calonne could raise the matter of privilege as a problem in the polity, it is not at all surprising that the theme subsequently resonated with a larger public. Indeed, although one can only speculate, as Boshier later did, about Louis's hesitation in convening the Assembly of Notables, it is plausible that at least one element may have been an awareness by Louis or Vergennes, his principal adviser, of the explosive and potentially destabilizing effect an attack on privilege might have.<sup>11</sup>

Whatever his intentions were, Calonne's memorandum contained several proposals for reform, but its most significant element was a “territorial subvention” or proportional land tax to be paid in kind by all landowners, with no exceptions. Fully aware that the *parlements* and provincial estates would oppose his program, he sought to outmaneuver them by presenting his program to an “assembly of notables,” a device that had last been utilized by Richelieu in 1626, also in a financial crisis. Confident of their approval, he hoped in this way to preempt the opposition of the *Parlement* of Paris, which would have to register the proposals before they could be put into effect. Louis delayed giving his approval for their convocation until late December and, as a result, the Assembly did not convene until February 22, 1787.

The Assembly was preeminently a gathering of representatives of major privileged corporations in France, but Calonne was confident that he could convince them of the need for reform. From the outset the Crown made it clear that privilege was the critical issue in the resolution

9 On the financial crisis, see especially J. F. Boshier, *French Finances 1770–1795: From Business to Bureaucracy* (Cambridge, 1970) and, more cautiously due to their excessive pro-Necker orientation, Robert D. Harris, *Necker, Reform Statesman of the Ancien Regime* (Berkeley, 1979) and *Necker and the Revolution of 1789* (Lanham, Md., 1986).

10 Boshier, *French Finances*, pp. 179–180.

11 See J. F. Boshier, *The French Revolution* (New York, 1988), pp. 98–100.

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of the financial crisis before them. Louis concluded his brief opening speech to the Notables by expressing the hope that they would not oppose private interests to the greater public good. Calonne was even more explicit. He presented an analysis of the fiscal situation and told the Notables that it was no longer possible simply to rely on the expedients of the past. He asserted that there were only two courses of action available, and that one of them – admission of state bankruptcy – was unthinkable. The only remaining solution was the destruction of what Calonne called “abuses,” by which he clearly meant the pecuniary privileges enjoyed by most of the Notables. He then outlined his program, emphasizing at the conclusion of his presentation that the ultimate aim of the proposed measures was “the well-being of the nation.”<sup>12</sup>

Angered by the seemingly pliant role to which they had been consigned, and dismayed by Calonne’s attack on privilege, the Notables resisted his program from the beginning. Their opposition was both resolute and ingenious, and successfully avoided the pitfalls in which Calonne had sought to trap them. In order not to alienate public opinion, the Notables endorsed the principle of fiscal equality and even voluntarily renounced their proposed exemption from the *capitation*. For most of the Notables, however, these actions, as Albert Goodwin has argued, were merely ploys to deceive public opinion, for they then proceeded to oppose the land tax vigorously, citing constitutional and administrative grounds. Furthermore, they took advantage of the inaccessibility of the accounts on which Calonne had based his calculation to express doubt about the need for the tax.<sup>13</sup>

In the following weeks relations between Calonne and the Notables deteriorated as they took no action on his program. Although their public pronouncements endorsed fiscal equality, their meetings in committee revealed that many had a private agenda in which the preservation of privilege was the primordial concern. The Estates of Brittany, for example, had sent their deputies to the Assembly without any instructions or mandate, an action that they sought to conceal by not mentioning it in the register of the meeting. After their deputation arrived at Versailles, the Estates continued to remind them that they had no mandate to negotiate the matters under discussion. On March 20, then, in the first committee, the Breton Notables stated that the privileges of

12 *Procès-verbal de l'Assemblée de Notables, tenue à Versailles, en l'année 1787* (Paris, 1788), pp. 42, 45–66, especially p. 59.

13 See Albert Goodwin, “Calonne, the assembly of French notables of 1787 and the origins of the *Révolution Nobiliaire*,” *English Historical Review*, 61 (1946), 202–234, 329–377, especially 344–345.

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the province could not be discussed or negotiated and asserted that any modification of the system of taxation was solely the prerogative of the province itself. Similarly, a representative of Burgundy vigorously defended the privileges of that province in the committee of which he was a member, pointedly noting that Louis XVI himself had confirmed these privileges at the time of his accession to the throne.<sup>14</sup>

Utterly exasperated at the disparity between their private adhesion to fiscal privilege and their public renunciation of it, Calonne commissioned a pamphlet against them, claiming that the reestablishment of financial equilibrium was in the interest of all and that the burden of the Crown's proposed measures would not fall on the people. After presenting an outline of the reforms that the Crown had recommended, he went on to note the equivocal attitude of the Notables toward it and speculated on some of the possible reasons for their stance. He acknowledged that the tax burden would be heavier, but asserted that it would fall only on those who did not currently pay enough. Stating that privileges would be sacrificed, he asked if the Notables preferred to overburden the non-privileged, the people. He then seemed to defend the Notables by reminding his readers that they had, in fact, already agreed to the sacrifice of their fiscal privileges and to the recommendation that the land tax should be extended to all land without exception. He stated that it would therefore be wrong to believe that reasonable doubts on the part of the Notables represented a malevolent opposition, for such sentiments would be injurious to the nation.<sup>15</sup> The unmistakable implication of this passage, however, was to indicate to the Notables that further opposition on their part could give rise to the notion of malevolence.

Calonne then took the extraordinary step of having the pamphlet disseminated without charge, not only in Paris but also in provincial towns. Many were distributed through the clergy, who were urged to read it to their flocks from the pulpit. Its publication, and particularly the method of diffusion utilized by Calonne, which obviously intensified the pressure on the Notables, poisoned relations between them, and on

14 On Brittany, AD Ille-et-Vilaine C 1799, letter of Bertrand to Calonne and Breteuil, January 10, 1787; AD Ille-et-Vilaine C 3899, letter of commission of Estates of Brittany to Bishop of Dol, February 2, 1787, letters of commissioners of Estates to deputies at Assembly of Notables, March 28, 1787 and April 3, 1787; AD Côte d'Or C 3476, *Cahier des délibérations du premier bureau présidé par M. Frère du roi, Assemblée des Notables, 1787*, I. On Burgundy, AD Côte d'Or C 3476, *Observations en forme d'avis sur les differens mémoires présentés à l'Assemblée des Notables en 1787, Bureau de S. A. S. Mgr. le Prince de Condé, M. l'abbé de la Fare. Observations conservatoires des droits et privilèges de la Province de Bourgogne* (undated, but between March 7 and 23, 1787).

15 Charles-Alexandre Calonne, "Avertissement," *De l'État de la France, présent et à venir*, 5th ed. (London, 1790), pp. 436–440.



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April 8, soon after its appearance, Louis dismissed Calonne from office because of the lingering stalemate.<sup>16</sup>

Although he dismissed Calonne, Louis still wished to implement the program that Calonne had devised. At the same time, he realized that the objections of the Notables could not simply be ignored or impugned and that the proposals would have to be modified. Therefore, on April 23, in a personal address to the Notables to urge the passage of the land tax, Louis made several significant concessions. He met, in fact, nearly all of the objections that the Notables had raised; among other actions, he agreed to limit the duration of the tax and to make it proportional to the amount of the deficits, as they had asked.<sup>17</sup> He also agreed to grant them access to the financial accounts prepared by Calonne. Furthermore, shortly afterward, during the interval when the accounts were being transmitted to the Notables, Louis appointed a leading member of the opposition within the Notables, Loménie de Brienne, archbishop of Toulouse, minister without portfolio, and Brienne quickly took control of finances for the Crown.

Soon after the appointment of Brienne, the Notables began to examine the accounts. The figures were difficult to understand, and although they could not agree on the size of the deficit, the Notables generally agreed that it was a considerable amount. Their chief response, however, was simply to urge the king to pursue greater economies than those previously announced and to suggest various administrative measures to prevent future deficits.

Brienne, in contrast, sought to focus their attention on the current deficit. In a conference on May 9 with several key members of the Notables, he stressed the need for dealing with the deficit immediately, so that state credit could be restored in both the international and domestic markets. Recognizing that the Notables had not been able to agree on the amount of the deficit, Brienne suggested taking an average of the different estimates to calculate an amount. He announced a further cut in state expenditures of approximately forty million *livres*, although he warned the Notables that no additional reductions could be expected. Finally, to treat the remainder of the deficit, Brienne proposed a land tax, to be a fixed amount and paid in money, as the Notables had earlier suggested, and two indirect taxes. The proposals were essentially similar

16 Goodwin, "Calonne, the assembly of French notables of 1787 and the origins of the *Révolution Nobiliaire*," 358; see also *Correspondance secrète inédite sur Louis XVI, Marie Antoinette, la cour et la ville de 1777 à 1792*, ed. Mathurin François Adolphe de Lescure, 2 vols. (Paris, 1866), II: 125.

17 On the recognition from within the Notables that he had met nearly all of their objections and that the interests of the nation were at stake, see AN M 788, dossier 2<sup>17</sup>, document 89.

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to those put forward by Calonne, except that they incorporated recommendations brought forward by the Notables, especially the provision making the land tax repartitional rather than proportional.<sup>18</sup>

In the days following the meeting, however, the Notables, who were dismayed to see Brienne adopt much of Calonne's program, did not consider the projects that he had proposed.<sup>19</sup> Instead, they examined deficiencies in financial administration and formulated various measures that the Crown, in effect, agreed to consider. Only afterward, slowly and reluctantly, did the Assembly agree to consider Brienne's program. They opposed one of the indirect taxes and were divided on the other. Most important, on May 19 the Notables indicated that they could not approve the land tax.

The various committees into which the Assembly had been subdivided for deliberations advanced different reasons for their opposition. Some justified their position by stating that the complexity of the financial accounts kept them from determining the size of the deficit, which in turn meant that they could not estimate the amount of revenue that the tax should produce, how long it should be in effect or even whether it was needed at all. Others declared that the Assembly should not anticipate the decision of the *parlements*. Lastly, all but one of the committees rejected the tax on the principle that since the Assembly was not a representative body, it was not truly empowered to consent to it.<sup>20</sup> In the face of such intransigence, Brienne realized that he had little choice but to dissolve the Assembly, which he did on May 25.

In recent years, scholars have sought to reexamine the goals of the Assembly of Notables or to offer new explanations for the conduct of its members. Boshier, for example, discounts defense of privilege as a primary factor, just as Vivian Gruder had done before him.<sup>21</sup> Their arguments have merit and cannot be dismissed but, as the correspondence from Brittany and Burgundy shows, one must also continue to

18 Goodwin, "Calonne, the assembly of French notables of 1787 and the origins of the *Révolution Nobiliaire*," 368–369; AN M 788, dossier 2<sup>17</sup>, document 113.

19 See *Correspondance secrète*, ed. de Lescure, II: 142–143.

20 Goodwin, "Calonne, the assembly of French notables of 1787 and the origins of the *Révolution Nobiliaire*," 373.

21 Boshier, *The French Revolution*, pp. 101–106; Vivian R. Gruder, "No taxation without representation: the assembly of notables of 1787 and political ideology in France," *Legislative Studies Quarterly*, 7 (1982), 263–279; "Paths to political consciousness: the assembly of notables of 1787 and the 'Pre-Revolution' in France," *French Historical Studies*, 11 (1984), 323–355; "A mutation in elite political culture: the French notables and the defense of property and participation, 1787," *The Journal of Modern History*, 56 (1984), 598–634; "The society of orders at its demise: the vision of the elite at the end of the Ancien Régime," *French History*, 1 (1987), 210–237. A critique of some of Gruder's arguments can be found in Michael P. Fitzsimmons, "Privilege and the polity in France, 1786–1791," *The American Historical Review*, 92 (1987), 269–295, especially 274–275.