How did the ideals of liberty, equality and fraternity evolve out of the corporate structure of the Old Regime in France? This study investigates the evolution of a new ideal of the polity in 1789 and the reaction of French society to it.

Concentrating especially on the restructuring of the administration and judiciary, the author argues that the new political stucture created by the Constitution of 1791 was the most equitable and participatory national political system in the world. In particular, by the standards of the eighteenth century, the polity enacted by the National Assembly was more inclusive than exclusive, and the Constitution of 1791 was much more of an object of consensus than has been acknowledged. Challenging criticisms of the Assembly and the constitution, it is argued that the achievements of the National Assembly deserve greater recognition than they have traditionally received.

The remaking of France

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The National Assembly and the Constitution of 1791

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To the memory of
James E. Fitzsimmons (1921–1987)
Kathryn J. Fitzsimmons (1923–1989)
Kevin S. Fitzsimmons (1951–1991)

The passage of the Red sea – was it more miraculous than that from the old regime to the new?

Speech of the priest Charles Hervier during a celebration of Louis's acceptance of the Constitution, September 25, 1791

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Preface

In the spring of 1789 French society gathered for the first time in 175 years to elect men to a national body called to address a political and financial crisis. It was a crisis universally acknowledged to be national in scope. The mode of government established in France since the Estates-General last met in 1614 – royal absolutism mediated through privileged corporatism – had failed. Those electing deputies to the Estates-General saw the two chief tasks of the men whom they were choosing as remedying the fiscal situation and, more importantly, providing France with a constitution. There were certainly sharp differences over the constitution, beginning with the fundamental question of whether or not there already was one, but at the same time a common expectation prevailed that the objectives of the deputies would not require more than three or four months to complete. It was also believed that, apart from greater uniformity being brought about by the elimination of disparities in the administration of France, the basic configuration of the kingdom would remain essentially unchanged.

Before the end of 1789, however, sovereignty had been transferred from the monarch to the nation. The three estates of the kingdom no longer existed, provinces had been abolished, the *parlements* suspended and the National Assembly had irrevocably committed itself to a comprehensive restructuring of the polity that would extend the life of the original Estates-General to nearly two and one half years. By the time it disbanded on September 30, 1791, the National Assembly had transformed the kingdom so completely that many deputies simply referred to much of what had preceded them as 'the old regime.' Indeed, the men who left the National Assembly in Paris that September 30 entered a society radically different – politically, socially, economically and religiously – from that which had existed when most among them had entered the Estates-General in Versailles on May 4, 1789. The transformation was primarily of their own making. It was all the more extraordinary, however, in that it could not possibly have been foreseen by any of them when they arrived at Versailles as deputies.

During the past several years historians of the French Revolution have increasingly turned away from consideration of its social origins to focus instead on political and cultural elements. The present work is associated with this newer approach, for it argues that the beginnings of the Revolution are to be found in the attempt to reform the French state during the period after the Assembly of Notables in 1787. The primary goal of this effort was to shape a more rationally ordered state through fiscal changes and uniformity of administration. Ultimately, the Estates-General became perceived as the vehicle for accomplishing this task, but the traditional voting procedure of that body would have permitted the clergy and the nobility to block reform. As a result, a major dimension of the effort to reform the state involved amending the historical format for the Estates-General. In every other respect, however, social distinctions were to be respected and upheld.

This study is an examination of the manner in which the limited aspirations for the Estates-General of 1789 became transformed into the much broader movement that has come to be known as the French Revolution. The critical turning point in this process was the night of August 4, 1789, when the National Assembly formulated a new ideal of the polity. The essence of this ideal was a conception of the nation itself as a source of equity, which led to the replacement of privileged corporatism by laws common to all. This transformation led the National Assembly into virtually every facet of French life, but the hopes of the Assembly for the realization of its new ideal of the polity had two key foci – civil administration and justice – and it is on these two spheres that this work will concentrate.

This book is divided into two parts, with its structure reflecting one of its primary arguments – that the National Assembly, although occasionally lagging behind public opinion in some parts of France, conceived a new ideal of the polity on the night of August 4 and reshaped the polity in accordance with that new ideal. Most of France, although surprised by the scope of change, nevertheless accepted it and ultimately, through its electoral choices, adopted it. The structure of this book – examining first the actions of the National Assembly, then the reaction to those actions throughout France – stems from a conviction that two distinct dynamics were at work.

Part one treats the formulation and elaboration of a new political ethos in the National Assembly from 1789 to 1791, when deputies often found themselves in an unsettled situation as rapid shifts in opinions and outlooks occurred. Furthermore, in Paris especially, beginning in the autumn of 1789, there were alternative – and, in a few instances, competing – outlets for political expression, including popular protest, political clubs and the press. Popular protest, however, does not seem to

have affected the Assembly after October, 1789 – the only incident that might be cited, the violence at the Champ de Mars in July, 1791, was ignited by a decision already taken, and it ultimately galvanized support for the Assembly. Moreover, although clubs and the press somewhat diminished the ability of the National Assembly to shape public opinion after September, 1789, the Assembly nevertheless remained the locus of political power. Indeed, these institutions, especially the clubs, with many deputies among their membership, sought primarily to discuss or to influence the work of the National Assembly, not to compete with it.

Part two deals with the reaction of French society to the changes enacted by the Assembly. As one newspaper, *Affiches, annonces et avis divers du département de l'Yonne*, noted in June, 1791, in areas beyond Paris the focal point of political life was, and had been, the constitutional debates and legislation of the National Assembly. The rapid sequence of events at Versailles and Paris often required major adjustments by inhabitants of towns and regions across France. Such adjustments were sometimes difficult, involving the acceptance of a new and rapidly formed identity as well as a myriad of new institutions designed to achieve it. Literally overnight one was no longer Breton or Burgundian or Languedocian, but French, and the initial sense of displacement was compounded by the subsequent destruction of such centuries-old institutions as provinces, provincial estates and *parlements*. The shock was all the more intense for its total unexpectedness. Participants in elections to the Estates-General had believed that they were sending deputies to Versailles to resolve the financial situation and to produce a constitution in accordance with the *cahiers* and mandates given to those deputies. They had no idea that these elections would produce the outcome that they did. Ultimately, however, the stature of the National Assembly became so great, and the moral authority of its new ideals so unassailable, that virtually all locales in France relinquished their mandates and yielded to the imperatives of the Assembly. This growing consensus, in turn, augmented the confidence and power of the Assembly, and it is this mutual reinforcement that is the subject of this study.

This work is not a general history of the Revolution between 1789 and 1791, but a study of the development of a new ideal of the polity by the National Assembly and the acceptance and realization of that ideal by French society. There were innumerable other events concurrent with this process – municipal revolutions, the Great Fear, peasant *jacqueries*, provisioning crises and other such upheavals. These events will be mentioned, but they have found their historians. In comparison with the drawing up of the constitution and the realization of the new administrative and judicial structure, however, they were brief and

impermanent. This is not to deny their influence or importance, but by September, 1791, as Frenchmen celebrated the new constitution with processions, the firing of cannons, *Te Deums*, bonfires and general illuminations, the crises and difficulties that had accompanied its completion were all but forgotten.

For the most part, the National Assembly has been treated unfavorably by scholars. During its final weeks opinion in Paris turned against it, and historians have generally tended to adopt that viewpoint in judging the Assembly. This study, however, deliberately moves beyond Paris, beyond the opinions of Gorsas, Loustalot or Marat, for example, whose polemical reporting could often color events, to examine attitudes toward the National Assembly more broadly. It seeks a better understanding of events by considering them from within the National Assembly through the letters and journals of deputies and through the reaction from provinces and departments as recorded in the minutes, records or accounts of assemblies, elections, festivals or ceremonies in cities, towns and villages. This is in no way to dismiss the press, for it is a valuable source in gauging reaction to many of these occurrences. But by capturing events directly rather than through the filter of the press or other outside sources, it is possible to reconstruct more accurately the milieu in which the National Assembly operated and to appreciate the ways in which it both shaped and responded to events and changing beliefs of a society in flux.

The National Assembly self-consciously viewed its program as national in scope, and so I have sought to make my examination of the response to its actions correspondingly nationwide. To have pursued a case study based on one or several departments would have run counter to the intent and outlook of the Assembly and would not have presented adequately the full range of responses to its program. Consequently, although I obviously could not achieve comprehensive coverage, I have sought to focus on as many areas or regions of the kingdom as possible.

One of the pleasures of appearing in print is the opportunity it affords to offer a permanent record of thanks, and I am indebted to a number of individuals and institutions. I would like to thank the Auburn University at Montgomery Research Council for its support of this project at both its beginning and end with Research Grants-in-Aid. It also benefitted from a Short-Term Fellowship in Residence from the Newberry Library, for which I am equally grateful. Most especially, I would like to express my gratitude to the National Endowment for the Humanities for a fellowship that enabled me to spend the 1988–89 academic year in France.

My research was greatly facilitated by the kind assistance of countless archivists and librarians in both the United States and France. In France the staff of the *Archives nationales*, various departmental and municipal archives, and municipal libraries were attentive and responsive to what must have seemed at times to be a bewildering array of requests. In the United States the members of the staff of the Newberry Library, especially the Special Collections Department, were unfailingly courteous and helpful, and the time spent there saved me several weeks of research in France. Likewise, the Interlibrary Loan unit of the Auburn University at Montgomery Library efficiently processed numerous requests. I would also like to thank Millie Weaver for her help in preparing the manuscript. Finally, I am grateful to Alan Stahl of the American Numismatic Society for his help with the cover photograph and to William Davies and Katherine V. Boyle for their efforts in seeing this volume through the publication process.

The historical profession is supposed to be a collegial enterprise and my experience has happily confirmed this ideal. Alan Forrest, Patrice Higonnet and Donald Kelley supported my pursuit of this project. Michael Sydenham, Kenneth Margerison and Alan Forrest read early drafts of this work and offered useful and incisive criticisms. Melvin Edelstein generously shared his work and thoughts with me. My colleagues, both past and present, in the Department of History at Auburn University at Montgomery have provided a supportive working environment, especially Elizabeth Dunn, John Fair and Kandice Hauf. For their encouragement along the way I am also grateful to Rory Browne, William Doyle, Claudine Ferrell, Jan Goldstein, Susan Suleiman, Liana Vardi and Isser Woloch. Rochelle Ziskin provided astute suggestions, consistently wise counsel and assisted in other ways too numerous to mention; I was fortunate to have such a wonderful teammate.

As always, there are some acknowledgments that go deeper. As I began this project my father was diagnosed with terminal cancer. Other completely unanticipated losses followed, but because I was insulated somewhat by distance the burden of these later deaths fell more heavily on my sister, Kelly. I want to express my love and admiration for her and for the way in which she handled many difficult matters. Her assumption of various obligations enabled me to complete this study earlier than would otherwise have been the case.

Finally, despite her own losses and sorrow, Theresa Fitzsimmons remained steadfastly supportive throughout this difficult period. As is the case with my sister, there is nothing that I can say that would adequately express my gratitude.

Abbreviations

AD	Archives départementales
ADG	Archives de Guerre (Vincennes)
AM	Archives municipales
AN	Archives nationales
AP	*Archives parlementaires de 1787 à 1860 : recueil complet des débats législatifs et politiques des chambres françaises, first series (1787–1799)*, ed. J. Mavidal and E. Laurent, 82 vols. (Paris, 1867–1913)
BHVP	Bibliothèque historique de la ville de Paris
BM	Bibliothèque municipale
BN	Bibliothèque nationale