

INTRODUCTION

Open questions

An experiment in government – such was how contemporaries viewed the Bourbon Restoration, according to Charles de Rémusat. Although partisan, Rémusat's observation was nevertheless insightful. For many, the political system established in 1814 was not necessarily definitive; it could be subjected to alteration, minor or major, and ultimately the public would decide whether the experiment was a success or failure.¹

The chief embodiment of the Restoration experiment was the Charter of 1814, a constitution wherein elements of the changes brought to society and polity after 1789 were blended with elements of the *ancien régime*. Implementing the new constitution thus entailed, at least in part, putting into practice the ideals of the Revolution in an enduring and stable fashion. Yet, as the Charter was drawn up in haste, with many details left for subsequent elaboration, it was natural to look upon the new constitution as at most a blueprint.

In many regards the Charter was ambiguous, leaving much open to interpretation. Given the fragility of the new regime, ambiguity served a certain purpose in that it allowed various groups to view the regime differently, but still give their approval. From its origins, however, the Charter was interpreted in two fundamentally different ways. For royalists, the constitution was entirely a product of royal sovereignty – it was granted by Louis XVIII of his own free will. For those who came to oppose this interpretation, the Charter was a contract between the monarch and the nation. Thus the Restoration's founding principle was contested, and battle between the advocates of royal or national sovereignty would provide the period's central political dynamic.

The new regime was also a product of foreign intervention, and consequently certain parts of the public were disposed to view the 'experiment'

¹ Rémusat was a highly influential journalist and played a significant role in organizing Parisian Liberal Opposition. See C. de Rémusat, *Mémoires de ma vie*, 5 vols. (Paris, 1958), 1, p. 150.

with hostility from its onset. In destroying the First Empire, the leaders of the Sixth Coalition had proclaimed in December 1813 that they were waging war against Napoleon, but not the French nation. Consultation with the nation over a successor regime was, however, very limited indeed. By early 1814 the Allied powers had decided that no compromise could be reached with the Bonaparte dynasty, and hence there would be no Imperial regency with Napoleon's son as king. Similarly, there was little likelihood that France might again become a republic, given the First Republic's association with international revolution.

In their search for a royal alternative, the Allied powers opted for the Count of Provence (Louis XVIII), because restoration of the Bourbon dynasty appeared to hold the best prospect for French stability and international peace. They had been encouraged to make this decision by royalist demonstrations at Bordeaux and Paris orchestrated by a secret organization known as the Chevaliers de la Foi. While such manifestations were in fact very limited, in combination with the advocacy of Charles Maurice de Talleyrand, a legendary 'political survivor' of the Revolution and Napoleon's former Foreign Minister, they were enough to push aside weak claims made by potential rivals such as Marshal Jean-Baptiste Bernadotte and Duke Louis-Philippe of Orleans.

Allied confidence in the Bourbon dynasty was, however, far from unqualified. As a means of fostering acceptance, Allied leaders called upon the Imperial Senate to formulate a new constitution in April 1814. Given that they had been appointed, Napoleon's Senators had little claim to represent France, but they did include much of the Imperial elite. Under pressure from Allied leaders, especially Czar Alexander I, Louis XVIII agreed to accept the Senate's proposals in principle, but a new committee was then created to reformulate the proposals along lines acceptable to the monarchy. The Charter was then proclaimed on 4 June.

Upon the surface, the new regime had a distinctly British appearance. France would have a bicameral parliament composed of a Chamber of Peers and a Chamber of Deputies. Legislative initiative would rest with the government, but laws would have to pass through both houses prior to royal proclamation. Of crucial importance was the influence parliament could exert over government budgets. Proposed tax bills must gain the approval of the Deputies before passing on to the Peers, and while indirect taxes could be voted for several years, land taxes must be approved annually. Peerage would be hereditary; of the 155 original members, 84 were drawn from the Imperial Senate, while the king appointed the rest. In the

future, the king would appoint all new Peers, whereas Deputies would be elected.²

While the Charter's provisions for a parliament represented a grafting of British institutions onto French polity, other elements of the regime were distinctly indigenous. The Restoration preserved much of the legacy of the Revolution of 1789, but it did so through the filter of reforms instituted under Bonaparte. Retention of the Napoleonic Codes meant that legal equality (in social, but not gender, terms) would be maintained, and there would be no return to *ancien régime* fiscal or officeholding privileges. Freedom from arbitrary arrest, freedom of expression (though subject to unspecified restraints against abuses) and the inviolability of property ownership (including nationalized lands that had been expropriated by the state and sold to private citizens during the Revolution) were all proclaimed. So too was freedom of religious opinion, although Catholicism was specified as the religion of the state.

A third feature of the new regime put it more in line with the continental powers than with Britain. Retention of the Napoleonic state apparatus meant that France would possess a highly centralized governmental system, with a chain of command reminiscent of the military. Power would be concentrated in a central government composed of a Council of Ministers and Council of State (which prepared legislation), both appointed by the king and responsible solely to him. In accord with the law of 7 February 1800, crown-appointed officials would administer government in the provinces. This system held for consultative bodies of notables (such as municipal and departmental councils) and agents with real decision-making powers (though only with ministerial approval) – prefects, mayors, police commissioners, and officers of the military and *gendarmérie*. Members of the judicial system were also appointed by the central government. According to the Charter, judges held life tenure and the jury system would be maintained, but justices of the peace could be removed. Although judges thus theoretically could act with a measure of independence from the central government, the constitution afforded little opportunity for the judiciary to act as a counterweight to executive power. By the law of August 1790, judges were prohibited from interfering in, or taking cognizance of, acts of the administration. Charges against state administrators could only be lodged with the Council of State, which meant that government agents could be judged only by the government itself.³

² See P. Rosanvallon, *La monarchie impossible* (Paris, 1994), pp. 15–104.

³ On the Napoleonic state, see S. Woolf, *Napoleon's Integration of Europe* (London, 1991) and I. Woloch, *Napoleon and his Collaborators* (New York and London, 2001).

Contemporary commentators were particularly struck by the Restoration's parliamentary system, but the new regime lay somewhere between British parliamentary government and continental authoritarianism. Despite the narrow confines of the electorate, the British House of Commons could claim to represent the nation and parliament did hold powers independent of the crown. Limited as its application was, the principle of representative government was entrenched in the British system, whereas it had no place in the regimes of continental powers other than France. Representative government was, however, anything but secure within the Bourbon Restoration. The Charter stated explicitly that Louis XVIII had voluntarily granted the new constitution. It was thus entirely a product of the royal will. According to royalists, the Bourbons had always been the legitimate rulers of France, despite the creation of the First Republic in 1792 and the subsequent execution of Louis XVI. Thus in 1814 the dynasty had simply returned to resume its rule; it had not been called back to the throne by the French nation and its legitimacy had nothing to do with the will of the people.⁴

If the Charter thus was simply an expression of royal generosity, what was to prevent a monarch from revoking it? In what sense was the Charter a contract, if the legitimacy of one contracting party (the crown) was recognized and the other (the French people) was not? From this fundamental ambiguity flowed a host of related uncertainties. Given that the Chamber of Deputies was elective, to what extent would the regime be guided by public opinion? The Charter did make provision for petitions to either Chamber, although they must be presented in writing and not in person. Was this a mechanism to allow the public to express its will? If public opinion was to play a part in the political system, what constituted the public? Did the public consist only of the enfranchised? Would public opinion be expressed simply through elections? Or would there be some place for the press and political associations? Concerns over the press and political association, in turn, gave rise to the most burning issue of all – how to maintain stability while admitting a measure of pluralism. Pluralism necessitates toleration of dissent. What would be the acceptable parameters for dissent?

In time Louis XVIII would come to view the Charter as the product of his own wisdom. Hence the constitution would gain a measure of security under his rule, although the issue of parliamentary independence would remain very much at play. Even this limited level of security would not,

⁴ By way of contrast, see N. McCord, *British History 1815–1906* (Oxford, 1991), pp. 1–76, and B. Simms, 'The eastern empires from the challenge of Napoleon to the Restoration, c. 1806–30', in P. Pilbeam, ed., *Themes in Modern European History 1780–1830* (London, 1995), pp. 85–106.

however, necessarily remain upon the succession of the heir to the throne, the Count of Artois, brother of the king and a notorious advocate of unmitigated royal sovereignty. Thus the limited application of representative government in France rested upon shaky foundations.

The vagaries of royal will were not the only danger to representative government in France. The Napoleonic state had been designed for the provision of order rather than the safeguarding of political liberty. In this regard it was akin to other continental states and, indeed, a large number of Restoration European governments would adopt parts of the Napoleonic state for authoritarian purposes. Moreover, among Napoleonic officials an ethos of benign despotism held sway; administrators viewed themselves as the true representatives of the people. The state was the vector of progress and to do its work it should be untrammelled by politicians whose claims were based on the ignorance of voters, rather than the professionalism of government agents.⁵

Since the election of the Convention in late 1792, confidence in representative forms of government had varied in relation to fear of civil disorder. While elite preoccupation with social order was a crucial variable in the fortunes of representative government, it was not only the elite that had an interest in maintenance of the rule of law; support for Napoleonic order was by no means confined to the elite. When confronted by widespread civil disorder, French society generally turned to strong government as a remedy. As part of this tendency, the French turned against representative government due to its association with factionalism. Such had been the case at the end of the eighteenth century, and this tendency would remain until at least the 1870s.

For Restoration royalists, the chief threat to royal sovereignty lay in the establishment of a parliament capable of challenging the royal will. Advocates of parliamentary government inevitably based their claims on national sovereignty, although their plans of how to represent the nation were seldom very democratic. In this contest over ultimate power, royalists gradually grasped that the Napoleonic state could provide a means to check attempts to assert national sovereignty through the establishment of parliamentary government.

Given the inclination of royalists to denounce everything associated with the Revolution or Napoleon, there was irony in Bourbon governments adopting the Napoleonic political system for the purpose of establishing unchecked royal sovereignty. The reason for such apparent heresy becomes

⁵ See David Laven and Lucy Riall, eds., *Napoleon's Legacy* (Oxford, 2000).

clear, however, if we consider the basic elements of the Restoration regime. Judges, Peers and members of the government were all ultimately appointed by the king and derived their authority from the monarchy. Only the members of the Chamber of Deputies derived their authority from a source other than the throne. Should the Deputies challenge the king's appointees in some regard, the potentially explosive issue of ultimate authority might very well arise.

The best way to ensure that no such challenge arose lay in securing a lower house which would comply with government, or royal, will. Towards this end, Bourbon governments consistently turned to the administration as a means to establish control over the electorate, so as to secure the election of 'suitable' Deputies. In the pursuit of control, governments either altered electoral laws, or simply broke them. Had the objective of control been achieved, the result would have been similar to the political system of the First Empire, wherein parliaments gave an impression of representing the nation but possessed neither the will nor the capacity to challenge or check the executive.

Restoration pursuit of despotism did not entail plans for the abolition of parliament, which would have smacked too loudly of disdain for public opinion and probably triggered revolution. Thus the Restoration drive for despotism should not be confused with *ancien régime* absolutism. Removal of parliamentary independence, nevertheless, was designed to prevent any serious challenge to royal authority from arising in the one body that could, and frequently did, claim to represent the nation.

Like Napoleon, royalists put forward the claims of strong executive government as the means to secure civil order. In essence, these were the arguments of all authoritarian states, and in this sense all the contemporary powers had a certain interest in the French Restoration experiment. Conversely, for the partisans of national sovereignty, the crucial question lay in how to combat authoritarianism without triggering fears of disorder. Royalists were by no means reluctant to label opponents as agents of disorder, and much would pivot on whether the public accepted such allegations.

Constitutional arrangements were one thing, and political practices another. If the Restoration experiment was troubled by the ambiguities of the Charter, the heritage of French political culture was even more problematic.

The Revolution of 1789 had seen the rise of two great traditions of political change. The two often overlapped, but for analytical purposes we can distinguish them along the following lines. The first consisted of creating public demand for change through argument and persuasion. The second

lay in the application of force and coercion. These two modes could be employed for the purposes either of reform (changes which adjust a political system without altering its basic foundations) or revolution (change in the fundamental principles and structures of a system). While we tend to associate revolution with violent coercion, we should not discount the extent to which the successful application of force depends upon persuasion both before and after the event. Similarly, even reform has often entailed physical coercion, whether through direct violence or through intimidation.

Neither the political Left nor the political Right held a monopoly over either of the two great traditions. On one hand, not long after the convening of the Estates General in 1789, Louis XVI and his more conservative advisers decided to use the army to put an end to the demands of the more intransigent Deputies of the Third Estate. Thereafter the leaders of counter-revolution frequently sought to destroy Revolutionary governments by force – through civil war and by foreign intervention. On the other hand, proponents of the Revolution fought fire with fire from the fall of the Bastille onwards. While the Red Terror may have marked the zenith of Revolutionary coercion, the employment of violence remained characteristic of Revolutionary politics until Bonaparte's seizure of power in 1799.⁶

Both sides combined persuasion with coercion during the 1790s; neither the Right nor the Left was shy about propaganda and, when they could, they set about organizing groups who shared their objectives. The stakes were so high, and fundamental antagonisms so deep, however, that no regime could establish a system wherein differences could be resolved through recourse to public opinion via elections, no matter how narrowly the 'public' was defined. For a brief interlude during the Directory royalists did seek to regain control of government through election of (closet) sympathizers. Nevertheless, their intention was to overthrow the regime, and hence Directorial governments responded with purges of duly elected candidates. Not long afterwards, successful Jacobin candidates also had their elections annulled.⁷

Thus elections had offered no remedy to the discord within Revolutionary France prior to the coup d'état of Brumaire. Many members of the elite had come to associate elections and even the most modest forms of representative government with endemic strife, and there was remarkably

⁶ For surveys of the Revolution, see D. M. G. Sutherland, *France 1789–1815* (London, 1985) and W. Doyle, *The Oxford History of the French Revolution* (Oxford, 1989).

⁷ See M. Crook, *Elections in the French Revolution: An Apprenticeship in Democracy, 1789–1799* (Cambridge, 1996) and I. Woloch, *The New Regime* (New York, 1994), pp. 60–112.

little opposition to Bonaparte's subsequent destruction of political liberty. Napoleon left the forms of representative government in place, but while France retained a parliament and local councils of notables, these bodies had little by way of independent power. To give credit where it is due, one must acknowledge that Napoleon did stop the French from killing each other by the thousands, and that by 1814 habitual recourse to violence was much less a part of political culture. The Napoleonic regime's antidote to civil disorder, however, had consisted of depoliticization, partly based on governmental control of expression of opinion.⁸

The Charter of 1814 did make provisions for public opinion to play a part in the political system. For example, Frenchmen were granted the right 'to have their opinions printed and published, in conformity with the laws necessary to restrain the abuse of such liberty'. Moreover, the Chamber of Deputies would be determined by elections. Deputies would be elected to five-year terms, but the Chamber would be renewed by one-fifth each year. Electoral colleges, the organization of which would subsequently be determined by law, would choose the Deputies. Half of the Deputies had to reside in the department in which they were elected, and each college would have a president appointed by the king. The Napoleonic *corps législatif* would form the initial Chamber of Deputies, until the first renewal of one-fifth in 1816. While Peers would gain pensions of anywhere from 12,000 to 30,000 francs, Deputies would receive no salary. Thus Deputies would need to be well heeled. To be eligible a candidate must be male, over the age of forty, and pay a direct tax of at least 1,000 francs. Should fewer than fifty men paying 1,000 francs reside in a department, the required sum would be reduced until a total of fifty qualified individuals was reached.

The franchise would also be highly exclusive: one must be male, over the age of thirty, and pay over 300 francs in direct taxes. The latter was a hefty sum, requiring a personal revenue of roughly 1,200 francs and restricting the franchise to at most some 90,000 *consistaires*. These basic provisions ensured that the electorate would consist mostly of a plutocracy of landowners, although much remained to be determined concerning the electoral regime.

The Chamber of Deputies, despite the narrowness of its claims to represent the nation, did embody the representative principle in government and it immediately became a focus of public attention. Fascination with the lower house was partly due to its ability to criticize the government (a capacity shared with the Peers), but interest was magnified by the fact

⁸ See Sutherland, *France*, pp. 333–5, and Woloch, *Napoleon*, pp. 3–9.

that Deputies were chosen by the public (however minimally defined) rather than appointed by the crown. The Chamber of Deputies possessed real power, especially over fiscal matters, and elections would be hotly contested.⁹

Despite such signs of willingness to play the political ‘game’ as outlined in the new constitution, a central question hovered from the origins of the Restoration: would the provisions for political liberty be sufficient to prevent the French from returning to the tradition of political violence? The Charter called upon all Frenchmen to bury the resentments of the past and begin anew. Whether the institutions set in place would provide sufficient means to resolve disputes through persuasion was, however, an open question. Closely related was the issue of whether Frenchmen would choose to confine themselves to such means. Armed revolt against unwanted regimes, or governments, had been characteristic of opposition groups in the past. Conversely, groups in power had often used the state to repress dissent.

Because the Restoration ended in the fall of the dynasty, it has been tempting to view the experiment as a failure. Such an interpretation is valid, provided that one adds certain qualifications. There was a fair measure of continuity between the Restoration and the subsequent regime, the July Monarchy, and hence one must conclude that certain aspects of the Restoration experiment were deemed successful, in so much as they were continued. Nevertheless, the political changes implemented in the aftermath of the Revolution of 1830 were of a fundamental nature. In effect, 1830 removed the central ambiguity of the Restoration. For those who had argued all along that the monarchy ruled by virtue of a contract with the nation, 1830 marked a confirmation of their interpretation of the Charter. For the proponents of this view, the Liberal Opposition, the ruling dynasty was in fact not integral to the political system, whereas the embodiment of national representation, parliament, was. This did not mean elimination of monarchy itself, but it did mean rejection of royal despotism; 1830 confirmed that France would be a genuine constitutional monarchy. Among the continental powers at the time, this was no small departure.

Thus 1830 marked the triumph of one interpretation over another in terms of polity, and this confirmation was managed rapidly and with relative ease. For those who think revolution must be a product of massive turmoil, the Revolution of 1830 hardly deserves the name. The relative absence of violence in overturning the regime points, however, to extensive

⁹ See P. Mansel, *Paris between Empire 1814–1852* (London, 2001), pp. 103–6.

consensus in a public confronted by the necessity of choosing between the two interpretations of the Charter. The Liberal Opposition had created the consensus that brought an end to Bourbon rule.

THE STATE OF PLAY

To this point in time, historians have discussed the Liberal Opposition in a number of contexts, but seldom as a subject in its own right. General surveys give us a narrative of the struggle waged between Restoration governments and their opponents. They have the virtue of covering the entire period, so that one can trace in broad outline the development of the Opposition and identify its main phases. The fortunes of Liberals ebbed and flowed and long-term narratives allow us to analyse the dynamic element of politics – response to circumstance and the relation change bore to public opinion. Such works, however, focus almost exclusively on ‘high politics’ – the actions and speeches of parliamentarians and the Liberal Parisian press.¹⁰

Complementary, in that they pursue lines of investigation touched on in the classic narratives, are the many biographies of major figures and studies of leading newspapers and journals. The Restoration was fruitful in the writing of political theory and history, and hence the *idéologues*, Germaine de Staël, Benjamin Constant, François Guizot, François Mignet, Adolphe Thiers and many others have long exercised the minds of intellectual historians. Resultant literature tells us something about the Liberal message, but largely leaves aside the subject of those who received it.¹¹

The Liberal Opposition has also come under consideration in works on its component parts. Works on republicanism, liberalism, Bonapartism, democracy and radicalism to some extent can find roots in the Restoration. Such studies do contribute to an understanding of the Liberal Opposition, but their subjects are only parts of a greater whole. Moreover, in their search for doctrinal origins, they tend to give short shrift to doctrinal ‘impurities’ that were in fact central to the Opposition. In this sense, the search to give ideological definition leads to approaches that ignore the character of the Opposition as it actually existed. Liberal Opposition was in fact ideologically ambiguous in many regards, and politically heterogeneous in terms

¹⁰ See A. de Vaulabelle, *Histoire des deux restaurations*, 8 vols. (Paris, 1847); P. Duvergier de Hauranne, *Histoire du gouvernement parlementaire en France*, 10 vols. (Paris, 1857–72); F. Artz, *France under the Bourbon Restoration* (Cambridge, Mass., 1931); G. de Bertier de Sauvigny, *The Bourbon Restoration* (Philadelphia, 1966); A. Jardin and A.-J. Tudesq, *Restoration and Reaction* (Cambridge and New York, 1984); and E. de Waresquiel, and B. Yvert, *Histoire de la Restauration 1814–1830* (Paris, 1996).

¹¹ See D. Bagge, *Les idées politiques en France sous la Restauration* (Paris, 1952) and A. Jardin, *Histoire du libéralisme politique* (Paris, 1985).