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Emile Bourgeois

Excerpt

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CHAPTER I

EARLY YEARS OF THE SECOND EMPIRE

At the beginning of the year 1852, the bourgeoisie and people of France, who had refused Charles X the right to issue Ordinances, and condemned Louis Philippe for abuse of personal government, allowed Louis Napoleon Bonaparte to assume an authority of singularly wide scope. Their indignation at the claim of the Crown to grant a Constitution in 1814 and alter it arbitrarily in 1830, and at its refusal in 1848 to make the reforms demanded by the nation, did not prevent them from granting to Louis Napoleon, in 1852, the uncontrolled power to frame a Constitution and to legislate. Through dread of monarchy and of anarchy they were stripping themselves of all liberty.

This was the main feature of the democratic institutions established in that year for the benefit of the Prince President, who was in theory responsible to the people, as the King in a monarchy had been to God—a new type of legitimism in favour of the “Chosen One of December 20,” which gave him a sovereignty as absolute as that of Louis XIV, “the Chosen One of Providence.” During the first three months, Louis Napoleon legislated by means of decrees. By decrees working-men’s associations were dissolved for alleged socialism and their number reduced from 300 to 159; by decrees prefects were authorised to dismiss mayors, to dissolve municipal councils, to close public-houses and cafés, to prohibit residence, to subject

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citizens to police supervision, to frame regulations, to nominate members of Agricultural or School Committees; by decrees the republican motto of Liberty, Equality and Fraternity was proscribed, and the National Guard disbanded.

On February 17, 1852, a statutory decree was issued regulating the condition of the Press. Every sort of periodical publication was now subjected to official authorisation; caution-money and stamp-duty were continued; parliamentary reporting was forbidden; the compulsory insertion of all official communications was ordered. Editors and staff were subjected to the jurisdiction of the Courts of Common Law composed of removable judges, with power to inflict very severe punishments ranging from a simple warning, with reasons attached, to a temporary suspension for two months, and even to total suppression. Louis Napoleon no longer allowed any journals to appear in France but those subservient to his will and his ambition. The Press to him was simply a tool; as an influence he would have none of it.

By a decree of March 1, 1852, he lowered the age of retirement from the Bench; and he was thus enabled to bestow the important posts in the magistracy, hitherto held by former servants of the Crown or of the Republic upon officers who either owed him their fortune or awaited it at his hands.

A decree of March 9 subjected to his authority the heads of the University, who were henceforth to be appointed or removed by the President and his Minister of Public Instruction at their pleasure; and the Higher Council, which had jurisdiction over the officials and settled the curricula, was similarly placed in their hands. Thus everything in France that stimulated thought by writing or speech was placed under the arbitrary control of a Minister.

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Dictatorship by Decree

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In another direction a decree amending the Constitution was issued one month before, on February 2, 1852, which prescribed the conditions for elections to the Legislative Body. It enacted that the voting should be for single candidates, in districts of 35,000 electors, that it should cover two days, and that for election an absolute majority of the electors registered should be required; thus admitting a vigorous local pressure by officials on voters by universal suffrage. The construction of this assembly, created to delude France into thinking she possessed a democratic constitution, was the main care of the men who had helped the President to lay violent hands on Liberty. In the three months of their rule, which lasted till March 28, 1852, they never ceased striking at those whom they called the ring-leaders of the Republicans or the Anarchists as pitilessly as they had done before the *plébiscite*.

Decrees issued on January 9, 1852, removed the chiefs of the democratic party by proscription. The deputies Miot, Greppo, Marc Dufraisse, Richard, and Mathé were sentenced to transportation to Cayenne, a sentence commuted afterwards to exile in the case of four of them. Sixty-six other deputies were condemned to exile and threatened with transportation in case of their return to France, among them Victor Hugo, Schœlcher, Madier de Montjau, Charras, and Quinet. On January 2 and 11, circulars were addressed to the prefects inviting them to forward to the Government as speedily as possible lists of the democrats or revolutionists imprisoned under the decree of December 8, "against whom it was not proposed to proceed by ordinary legal methods."

The fate of these suspects under official terrorism needed no court to pronounce it. Those of the first group had been already transported to Cayenne or Algeria; those of the second, the chiefs of Socialism, had been "exiled"; the third group, "the men who had displayed

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a marked hostility," were temporarily got rid of. Beyond these again was a last group formed of those who could not be placed in the third class, but whom it was desirable to remove from their own neighbourhood for the time, till the elections were over. By way of proving their zeal, all the officials, prefects, sub-prefects, judges, and constables, started a "hunt" for revolutionary ring-leaders, and bid high for secret information. "One half of France," said Georges Sand, "was informing against the other half." In the Department of Hérault alone, 60,000 persons were thus denounced, though 2000 only were detained. In the very republican district of the Nièvre, their number reached 20,000; and, in the whole of France, according to Jules Simon, 100,000. It recalled the days when the officials of the Restoration wreaked their vengeance on the Republicans by means of the White Terror. True, there was no more shooting; but transportation to the deadly climate of Guiana or Lambessa under very rigorous treatment was often fatal, and deserved its title of "guillotine sèche," the bloodless axe.

The worst of it was that the character of the punishment was left to the decision of the executive officials, and not of the judges. In some districts which were in a state of siege, military boards transferred suspected cases from civil jurisdiction to Courts Martial. The law officers were in the constant habit of drawing up lists of alleged criminals, and deciding whether and to what extent the so-called Measures for the General Safety should be applied; prefects drew up other lists, and "called for sentence" upon them. On January 18, the Ministers of War, of the Interior, and of Justice instructed the Prefect and the Attorney-General of each Department in a state of siege to meet the Military Commandant, and, after examining the evidence and submitting their final decision in each case to their respective Ministers, to lay down in

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The Mixed Commissions

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a joint award the class of punishment to be inflicted, instead of giving a judgment as required by law. This procedure served to introduce a measure dated February 8, 1852, which soon extended to all the Departments, whether in a state of siege or not, the combined action of the civil and military authorities. Thus arose the “Mixed Commissions,” which closely resembled Courts Martial; they were expected to give their decisions at the end of February at the latest. Election-time was drawing near.

Under the recorded decisions of these Mixed Commissions 239 citizens were deported to Guiana, nearly 15,000 persons sent to Algeria, 15,000 sent into banishment, 50,000 interned, placed under police observation, or driven to flight; and to justify this severity there was nothing but political accusations, to which the punishments were quite out of proportion—five years at Lambessa to a working-man of respectable family, *incapable of doing harm*, the only support of a blind mother; ten years of Cayenne to a lock-smith, the Mayor of his Commune, father of five children, of good report for honesty, but the founder of a political association; again, ten years of Lambessa to a working-man, a well-behaved old soldier, but a political enthusiast, “a sort of village lawyer.” Another was “an ardent Socialist with nothing against him, and very sorry for what he had done.” These were the men who were then being sent to penal servitude and exile, to suffering and wretchedness, families and all, as criminal at Common Law, in spite of their acknowledged good reputation and irreproachable private life, and all “to prevent them from affecting the elections and the voters”! There was no other way, as Morny argued, to reach the mass of our foes, and to put an end to civil war. Georges Sand, lamenting the lot of her political friends, wrote (in March 1852): “If you go into the French provinces, you will find that all thought has been annihilated,

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all the sap of the country destroyed to-day by the imprisonment, death or exile of that phalanx of good men.”

No doubt the Prince who ordered these proscriptions was not a cruel sovereign, any more than Louis XVIII. “One cannot know him,” said Queen Victoria, “without seeing that there is much amiability and kindness in him. He is gifted with a powerful self-control, great calmness, one might even say, great gentleness.” But to achieve success and to avoid the loss of the stakes in the game he had been playing, he would avail himself of every means. “He committed all these unpardonable acts,” added the same writer, “under the constant guidance of the idea that he was accomplishing the destiny that God had allotted to him, and that, however cruel and hard in themselves, these acts were necessary, to reach the end to which he believed himself to be called.” Nurtured for many years on the Napoleonic legend which the first Emperor had evolved at St Helena for the purpose of restoring the affections of the French people “whom he had loved so dearly” to his own family, the Prince had undertaken to set it forth in his printed works, *Rêveries politiques* (1832), *Les Idées Napoléoniennes* (1839), *L’Extinction du Paupérisme* (1844), and to realise it when the time came. At the critical moment, anxiety for his own future merged in that for the success of his mission. Regardless of justice and liberty, he broke up opposition in order to remove every obstacle which hindered him from constraining the French nation to a reconciliation, and serving the cause of democracy without consulting it.

Furthermore he showed culpable weakness towards his accomplices, having perhaps been drawn on by those about him further than he had intended to go. Among the Bonapartists, as among the Royalists in 1814, there were “Ultras,” men prepared to misuse victory for their own private hatreds and ambitions. As Fouché was dead,

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they employed Maupas to organise their Terror, and on January 22, 1852, revived in his favour the Ministry of Police, which had been abolished in 1818. On that day, on the discussion of the decree for the confiscation of the private property of the Orleans family (known and ridiculed as *le vol de l'aigle*), a feeble reflection of the execution of the Duc d'Enghien or of Marshal Ney, the schism took place between the violent and the moderate associates of Louis Napoleon. Morny, Achille Fould, Magne, and Rouher resigned, while St Arnaud remained at the Ministry of War, Ducos at the Ministry of Marine, Persigny took the Interior, Abatucci Justice, Maupas State Police, Drouin de Lhuys the Foreign Office. De Fortoul, Minister of Education, wanted to lock up Jules Simon at Mazas, for speaking against the *coup d'état* in his lectures at the Sorbonne. St Arnaud was indignant at the leniency shown to mere talent or courage! In the Bonapartist salons, the only dread was that the deportations should not be sufficient in number or in severity. Napoleon submitted, far more than was necessary, to the advice of those who proposed, no matter at what cost, to make France the obedient instrument of his greatness and the bond-slave of their own fortunes.

Under Persigny's vigorous impulse, the prefects and officials, who had been trained to this duty since the beginning of the year and were now freed from the Republicans, had not the smallest scruple in "making" the elections. On January 18, 1852, Morny had instructed them to prepare for an "intelligent" arrangement of the electoral districts; on the 20th, he pointed out the candidates to be preferred, "great manufacturers, great commercial men, large proprietors," to the exclusion of politicians. He desired them to prevent the constitution of Electoral Committees. It was for the Government, added Persigny on February 11, to enlighten the electors, and to inform them through its

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agents, by official advertisements, by all possible methods, what candidates should be favoured. For a country which could not put up with the official candidatures of the Guizot Ministry, which had kicked against the domination of the higher bourgeoisie and the abuses of officialdom, the attempt seemed audacious. But possibly its very audacity was its success. "Go to work in the sight of all men," was Persigny's instruction to his prefects.

The Bonapartist Terror, like the White Terror, was once more going to present the new authority with a *Chambre introuvable*, an unheard-of Chamber. Three Republicans only were elected, two in Paris, Cavaignac and Carnot, and Hénon at Lyons; and they resigned forthwith, so as not to swear allegiance to the Dictator. Montalembert alone, in the meeting of the Chamber to vote the April budget in June 1852, raised an independent voice. Thus composed, Parliament was only one of the Assemblies of Notabilities, as the First Consul called them, by which the Bourbons of the Ancien Régime pretended to consult their subjects, without risk to themselves. In these first three months of his Presidency, Louis Napoleon had by his decrees broken down, or managed to anticipate all opposition. He might at that moment have followed at once the advice of his counsellors; he might have put the coping-stone on his fortunes and fulfilled his destiny, by restoring the popular monarchy which in the eyes of Frenchmen still constituted alike the pledge and the symbol of the national glory; he might, in short, have proclaimed the Empire. In a conversation with the Austrian ambassador, Hübner, in January 1852, Louis Napoleon allowed his "impatience to crown the edifice" to be seen. It was already the desire of the army, that army which was the foundation of his strength, by which and for which he ruled. During the year 1852 he lavished honours and fêtes on the troops, in order to attach them to his own person, and issued a decree in-

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stituting a military medal for their benefit. He gave the officers splendid uniforms, and opportunities for exhibiting them at his receptions. He held frequent reviews to give them more chances of shouting “Vive Napoléon!” On May 10, 1852, he invited them to a great festival in the Champs de Mars for the distribution of Eagles, the symbols of the Empire, the cost of which was charged on the officers’ pay. On August 15, he paraded the troops to celebrate the anniversary of the Empire.

But all this deliberate return to the military glories of the past, however attractive to the army, was precisely the sort of thing to disturb the friends of peace in France and in Europe. Was it possible that Louis Napoleon had no anxiety lest a restoration of the Empire might give his Government a flavour of aggressive policy inherited from the first Napoleon, “the mighty conqueror”? And this was in fact the fear in foreign countries. “Every Bonaparte,” said the King of Prussia, “is the enemy of Germany.” Tsar Nicholas warned the French to “beware of the Empire.” “Louis Napoleon is in need of popularity,” said Wellington to Queen Victoria. “Heaven knows how far that will lead him.” If the President just then sent his friend Heckeren touring round the Courts of Europe, it was to enable him to decide finally as to the steps to be taken in view of the attitude of Europe. In September and October 1852 the President visited the French provinces in person to encourage them. He had already, when distributing Eagles, said with emphasis, “Take your new standards, not as a threat to the outer world, but as the symbol of your independence, and the memorial of a heroic age.” At Bordeaux he said specifically, “The Empire means peace; your inheritance is glory, not war.” The popular acclamations (prepared by his prefects) which saluted him with the imperial title during this progress through the Departments, put an end to his hesitations.

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On October 19, 1852, the Senate was summoned to discuss the changes to be made in the form of government. The debate was short. On November 4, the Prince President sent a formal message, pointing out that “it was now in the power of the French people boldly but deliberately to set up once more that which thirty-seven years before had been overthrown by the force of arms, and thus to achieve a magnificent revenge for its former reverses without making a single victim, or troubling the peace of the world.” And on November 21 and 22, 1852, the People—the peasants and soldiers to whom the Empire had long been a religion—confirmed by 8,000,000 votes to 250,000 the decree of the Senate which effected the restoration of the Napoleons. This vote, which, now that the republican opposition was proscribed, looked very much like a unanimous vote of the nation, enabled the Senate, obedient to its master’s will, to lay down more precisely the extent of his authority by a new Act, the decree of December 25, 1852. The senators had been paid for their willingness to oblige by a decree fixing their annual salaries at £1200. They made short work of the last safeguards at the disposal of liberty by striking them out of the text of the Constitution, which was proclaimed in January. Too late, Montalembert and his friends, de Kerdrel, de Flavigny, de Chasseloup-Laubat, after encouraging and helping the *coup d’état*, thought it their duty on December 2 to protest against it in the Legislative Body. Eloquent as their cry of distress was, the effect of it was lost in the mighty shout of enthusiasm of which the *plébiscite* was the legal expression.

From that day forth, it was no longer the Legislative Body but the Emperor alone and of his sole authority, who made treaties of commerce and decided on Public Works, who settled the relations between the two Houses and regulated their functions. And, though the budget of the Finance Minister still required the approval of the Legis-