

BOOK III
FRANCE AFTER 1815

THE POLITICAL EVOLUTION OF FRANCE AFTER 1815

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PROBLEMS OF THE RESTORATION¹

THE problem which none of the revolutionary assemblies and forms of government — the constituent and legislative assemblies, the convention, directory, consulate, or empire — had been able to solve, and which consisted in providing France with an adequate and solid constitution, confronted the governments that immediately followed the Revolution.

Louis XVIII “conceded” the charter of 1814, which was an offshoot of the British constitution. This charter gave the executive power into the hands of a king declared non-responsible, who was to be assisted by responsible ministers; the legislative power was to be divided between the king and two chambers composed — one of hereditary peers, the other of deputies paying one thousand francs of direct taxes and chosen by electors who paid five hundred francs.

Louis XVIII had merely to “lie down in the bed of Napoleon,” to find himself invested with all the prerogatives necessary to a king, and to come into possession of such a police and administrative system as the world had never seen before. The latent despotism, however, was held in check by the ministerial responsibility, by the rights of the chambers, by the very rudimentary liberties of the people, and finally by the king’s own strong common sense. Under such a rule France might have enjoyed the period of peace needed after twenty-five years of turmoil and upheaval, had the passions of the different parties — the royalists, the liberals, the Bonapartists who later coalesced with the earlier republicans — permitted such repose.

¹ Histories of the Restoration have been written by de Vaulabelle, Lamartine, Viel-Castel, *Nettement*, Fauchet; of the monarchy of July, by Louis Blanc, Elias Regnault, de Nouvion, Thureau Dangin, with the *Mémoires* of Guizot, duke de Broglie, Doctor Véron, Victor Hugo (*Choses Vues*); of the revolution of 1848, by Daniel Stern, A. Delvau, Normanby, E. Spuller, H. Castille, Victor Pierre, P. de la Gorce; of the Second Empire, by Taxile Delord, P. de la Gorce; of the third republic, by E. Zévort, G. Hanotaux. Faustin Hélie, *Les Constitutions de la France*; Duvergier de Hauranne, *Histoire de gouvernement parlementaire*.

The experiment was furthermore disturbed by Napoleon's return from Elba and the consequent defection of almost all of his former troops, and by the "Hundred Days" of Waterloo with their disastrous consequences. Napoleon, running his last adventure as a despot, at least paid homage to the new ideas, all strange to him, which had arisen, and gave the state a constitution bearing the name of Additional Act that, like the charter of Louis XVIII might have been thought a copy of the constitution of Great Britain. In this act he promised to the people freedom of the press as well as all other liberties.

Napoleon was no sooner embarked for St. Helena than legitimate royalty returned and with it the charter of 1814. Under its provisions France might at last have grown accustomed to the use of liberty, had not Charles X conceived the idea of searching out, in Article 14, which charged him to enforce the laws, a clause which gave him the right to violate them. The revolution of 1830 ensued.

THE MEASURES OF LOUIS PHILIPPE

The sovereignty which issued from this struggle was a compromise between the monarchic and the republican ideas: Louis Philippe, though a descendant of St. Louis, and even of Hugh Capet, was the son of a regicide and member of the convention, and had himself fought at Valmy, Jemmapes, and Neerwinden under the folds of the tricolour. Thereby, he offered guarantees to the men of 1789. On the other hand, the legitimists reproached him with his father's regicidal vote and with his own usurpation, the republicans utterly refused to see in his reign the "best of republics" as La Fayette desired, and the Bonapartists held themselves in reserve for Napoleon II.

Here again the violence of political passions made a liberal form of government very difficult to maintain. Plots and insurrections followed fast upon each other. The king was made the object of twenty-three murderous attempts, the most terrible being that of Fieschi and the infernal machine, which wounded or killed forty-two persons, among whom was the *maréchal Mortier*.¹ Louis Philippe used to say of himself that he was the "only game that could be hunted at every season of the year."

The charter was amended in a somewhat more democratic sense, and Article 14, which had been so unfortunately construed by Charles X, was annulled. The office of peer was henceforth to be held for life and not to be hereditary. The electoral qualification or fee was reduced from three hundred to two hundred francs (to one hundred in the case of officers and members of the institute); and the qualification of eligibility was reduced from one thousand to five hundred. The number of electors was increased from 90,000 to 200,000; later, in 1847, to 240,000—a small enough number for a nation of thirty-five million souls!

The charter formally abolished "preliminary authorisation" and press censure, and referred to a jury all offences of the press. Ever after various organs had been guilty of excess, and had instigated regicide and insurrections, these provisions were steadfastly observed. The only extra stringency to be adopted was the enactment of September 9th, 1835, which gave a clearer definition of press misdemeanors and imposed new penalties.

It was in the matter of meetings and associations, however, that this government, otherwise so liberal, displayed the most timidity, and not with-

Prince de Joinville (who assisted at this terrible scene), *Vieux Souvenirs*, Chap. XII.

[1830-1834 A.D.]

out reason. The law of the 19th of April, 1834, was intended to supply any deficiencies that might have escaped the discerning eye of Napoleon: for example, in his Penal Code, he had in view only meetings and associations of over twenty persons; the law of 1834 reached those which were subdivided into fractions of less than twenty members. Napoleon had aimed exclusively at "chiefs, administrators, or directors"; the law of 1834 fell upon simple members. The penalty named by Napoleon had been a fine of from sixteen to two hundred francs; this fine was henceforth to be five times greater and there was a risk attached of from two months' to a year's imprisonment, etc.

We must not overlook the fact that neither Napoleon's life nor his throne had ever been endangered by associations, whereas certain powerful societies, either open or secret, had been at work undermining the sovereignty of Louis Philippe and instigating attempts on his life. It was no small honour that this king should have bestowed upon France the maximum of liberties it had ever enjoyed while he himself was being made each year the object of one or more murderous attempts.

The monarchy of July rested upon three institutions:

(1) Qualified suffrage. In 1830 the modification of the electoral qualification and that of eligibility had, in effect, caused the preponderance to pass from rural to urban electors, and from social forces pertaining to agriculture to industrial and commercial forces.

(2) A qualified national guard. The national guard had been suppressed under the Restoration because of its turbulent demonstrations against the prime minister of Charles X, M. de Villèle. To be revenged it fought against the royal troops on the barricades of July, 1830. From this moment, however, it became the prop of order, the defender of the charter and of the citizen-king; and upon it devolved the duty of carrying the barricades. This band of merchants, of licensed traders, of Parisian shop-keepers, many of whom had taken part in the previous wars and who wore the great shako with all the ease of Napoleon's seasoned "grumblers," fought valiantly against the rioters, whose bravery equalled their own. More than two thousand members of the national guard, most of whom were heads of families, fell in the street combats, shedding their blood freely for the dynasty they themselves had raised up. Louis XVIII and Charles X had each had a special royal guard partly composed of Swiss; Louis Philippe would have about him no other body than the national guard, knowing well how much he owed each individual member. Thus at every review held by him crosses of the Legion of Honour were freely distributed among them. The national guard elected its own non-commissioned officers and commissioned officers below the rank of captain; appointments to all the higher grades were made by the king from a list of ten names proposed by the battalion. In order to preserve to the organisation its bourgeois character and to prevent any admixture of the popular element, it was simply necessary to exact the wearing of a uniform. The national guard was both a militia and an opinion; at the king's reviews it manifested by its silence or by its acclamations what it thought of politics. Hence it was called "the intelligent bayonets."

(3) The same class from which were recruited electors and members of the national guard also furnished members of the jury before whom were arraigned all the enemies of the government, whether accused of conspiracy and attempt at assassination or of some misdemeanor of the press.

Thus it was the same men who sustained the monarchy of July by their votes, their bayonets, and their decisions. They constituted what was then the "legal nation." The rest of the people were forbidden all share in public

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affair. When therefore these electors, national guardsmen, and jurors began to show hostility or even simple indifference towards the government they had helped to found, that government fell of itself. When, on the 28th of February, 1848, Louis Philippe saw himself abandoned by his faithful national guard, he refused to sanction further bloodshed; his power, based on the favour of public opinion, could not stand once that support had been withdrawn. Hitherto his reign had had to do chiefly with the "legal nation"; over the true nation he did not feel himself competent to rule.

The government of Louis Philippe had shown itself as liberal as the ideas of the times would permit; it had assured to France, to all Europe in fact, despite certain provocations from the old "Holy Alliance," eighteen years of honourable and profound peace; it had endowed France with its richest colony, Algeria, and under it the country's agriculture, industry, commerce, and all the branches of public prosperity had attained enormous development.

THE MISTAKES OF 1848

The misunderstanding which finally led to rupture between the nation, even the "legal nation" and the monarchy, arose out of a question relating to the extension of suffrage. The revolution of the 24th of February, 1848, was unquestionably the least justified and least justifiable in the history of France. Its consequences were even more disastrous to the country in general than to the reigning dynasty. Those who advocated extension of the right of suffrage were soon to experience sharply what evils an electoral body — suddenly increased, without preparation or gradation, from 241,000 voters to ten millions — could inflict upon the land; and those who accused the well-disposed king of illiberalism were shortly to taste the joys of a revival of Cæsarism.

The personages whom the revolution of the 24th of February bombarded into power as the "provisory government" were men of high intelligence, giving evidence of the very best intentions but totally devoid of political experience. They exhausted their eloquence and talents in criticising and reviling power, without in the least knowing what were its essential attributes. One of their first acts was to proclaim universal suffrage, being forced thereto possibly by the circumstance that the revolution had removed all restrictions standing in its way, and that new ones could not be invented by any small body of men had they the wish. The provisory government, at the same time that it accorded to all the right to vote, opened the way to wider membership in the national guard by abolishing the uniform. Later the second constituent assembly, by a decree issued the 27th of August, 1848, admitted nearly the whole number of electors to jury rights; thus the pillars of the monarchy of July were employed to strengthen and consolidate the democratic power. The provisory government also annulled all laws restricting freedom of the press and the right to form unions and associations, and abolished titles of nobility as well as capital punishment for political offences.

By the transformation of the national guard, all the opinions of the different political parties into which the country was divided took the form of armed opinion, of opinion bloodthirsty and crossbelted, with gun in hand and cartridge box on back. Political feeling was indeed everywhere excited to excess, owing to the hatching of innumerable revolutionary newspapers, and the opening of the clubs ("red" clubs, be it understood) all over Paris. When the provisory government shortly after retired to give place to a constituent assembly, the latter — first-fruit as it was of universal suffrage

[1848-1852 A.D.]

and composed of members far too numerous (about nine hundred), who were scarcely known to each other and were seated for the first time in an assembly — gave proof of inexperience equal to that of the provisory government; or rather it professed deep contempt for any political experience that had ever been gained.

The constitution this body voted contained two noteworthy provisions, either of which would have been sufficient to destroy it: (1) Opposite the president of the republic was to be a single chamber called legislative, with no intermediary power between it and the president. This arrangement had already been tried by the provisions of the constitution of 1791. One single assembly had then destroyed the king; this time it was the president who was to destroy the single assembly. (2) The election of the president of the republic was to be effected by universal suffrage; what power was it possible for any assembly to possess in face of a president who held his office by virtue of a veritable plebiscite?

There remained one last folly to be committed, and that by the agency of universal suffrage. On the 10th of December, 1848, it elected as president France Louis Napoleon Bonaparte.

What happened had to happen — it was decreed on the 10th of December, 1848. In just what manner it happened it is needless to detail. The *coup d'état* of the 2nd of December, 1851, made the president who had been faithless to his vow master of France. At first the nation had no other constitution than the terror diffused by the Paris massacres and the bloody acts of repression that took place throughout the provinces.¹ When Louis Napoleon finally bethought himself of the necessity of providing a constitution (that of the 14th of January, 1852), he had but to seek inspiration in the example of his uncle. Just as under the first empire, there was appointed for leading functions a council of state; next, ranking sufficiently high, a senate; and lastly a *corps législatif*, which seemed to exist solely for show, composed as it was of members elected under pressure of the prefects, having no initiative in matters of law or of state finance and sitting under a president elected by the prince and ministers not responsible to it. All civil and military officials were obliged under pain of revocation to take an oath to the man who had violated his. Ten months had not elapsed after the proclamation of that constitution, before the *senatus consulté* of the 7th of November, 1852, made the prince-president emperor of the French, a dignity which was confirmed by the plebiscite of the 20th-21st of November.

NAPOLÉON III IS ELECTED EMPEROR

Naturally all liberties were suppressed. In the matter of meetings and associations, Article 291 and the law of 1834 reappeared in vigour, and the press was subjected to the harshest rule it had known since the first empire. All rigours, fiscal, preventive, and repressive, were brought to bear upon it; a security of from 15,000 to 50,000 francs was demanded, and a stamp-tax of six centimes for Paris and three centimes for the provinces on every number of a newspaper. No organ could exist without "preliminary authorisation" by the government. Jurisdiction in press misdemeanors was withdrawn from the jury and given to criminal judges who held their office from the sovereign. Administrative repression was added to or supplanted judicial repression; every newspaper that received two notices from the police

¹ Ténot, *Paris en Décembre 1851 et la province en Décembre 1851*: Victor Hugo, *Histoire d'un Crime*.

within two years was immediately suppressed. Even books were made the subject of exceptional rules, *L'histoire des princes de Condé*, by the duke d'Aumale, being seized without process of law (1863).

Such was the "authoritative empire"; it subsisted until 1867. It would be idle and tedious to relate by what successive concessions on the part of the imperial power, made under pressure of political opinion that took its colour from the blunders of Mexico, Sadowa, etc., the "authoritative empire" was gradually transmuted to the liberal empire, that restored to the legislative body many of its legitimate prerogatives; softened the rule that bore so heavily on the press; took the risk even of authorising (by the enactment of June 6th, 1868) meetings that were non-political in character, and also of public meetings held in view of legislative elections.

The empire had been able to exist at all only on condition that the particulars concerning its origin should be kept from view; the publication of the books by Ténot describing the violences that attended the *coups d'état* both in Paris and the provinces, and the wide diffusion of Victor Hugo's *Napoleon le petit*, together with his mighty poetical pamphlet, *Les Châtiments*, recalled to the old and revealed to the young in what waves of blood had been effaced the oath sworn to the republic by the president, Louis Napoleon. Thereafter every new form of liberty bestowed on the nation by the emperor awoke—not gratitude, but the determination to use it as an arm against him. Still it is probable that the second empire would have prolonged its existence by yet a few more years had it not ventured, by the declaration of war against Germany, to face a violent death.

THE THIRD REPUBLIC

The trials that France underwent during the "terrible year" are too well known to need narration; no horrors were spared her, neither those of civil nor of foreign war. Borne down by disaster and by the weight of financial ruin precipitated by the demand of the invaders for five thousand millions of francs, the most difficult and complicated of all problems was the reorganisation of the government. How the national assembly, elected on February 8th, 1871, composed two-thirds of royalists, was ever brought to consent first to a "head of the executive power of the French Republic," then to a "president of the French Republic," and finally, even after the overthrow of M. Thiers, even under the presidency of Marshal MacMahon, to vote the republican constitution of February 25th, 1875, is a mystery that can be explained only by the force of circumstances. Certainly the royalists had the majority in the assembly; but they were divided into two nearly equal camps, legitimists and Orleanists, who could never bring about a fusion between the two branches of the house of Bourbon. Henceforth the republic which, contrary to expectations, had offered for five months a resolute resistance to invasion, which had showed itself sufficiently powerful to quell an insurrection twenty times more redoubtable than those to which the monarchies had succumbed—the republic which had inspired Europe, the whole world in fact, with confidence sufficient to obtain for it the prodigious loans it needed for the liberation of its territories—the republic, we say, was looked on as the form of government most natural to the land, the one already firmly established there, antedating the national assembly itself. The complementary elections of July, 1871, and all the partial elections which followed, testified to the obstinate, unalterable attachment of the French people to the republican idea. Even the rash act of the assembly on the

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24th of May, and later that of Marshal MacMahon, which seemed to place the question of a republic once more in the balance, served but to exalt the passion of democracy and galvanise republican energies.

The constitution of 1875, gift of the national assembly to the republic, is, all things considered, the best that France has ever had. The country seems to have profited by the experience, favourable or the reverse, of the past to steer safely past the reefs that wrecked the constitutions of 1791 and 1848. Like the constitutions of all the free peoples of Europe, this creation of the national assembly was plainly inspired by the old constitution of Great Britain; it also recalls the charter of 1830, but with an added democratic-republican character. Certain it is that the president of the republic, like Louis Philippe, "reigns but does not govern," and that like him also he has ministers who are responsible to the chambers. Of these chambers one is the product of universal suffrage and furnishes the motive power for the entire machinery of state, president and senate being but wheels to regulate the action. The senate is elected by a special body composed mainly of delegates from the different communes, which is why Gambetta called it the "grand council of the communes of France." Since the reforms effected in 1804 there are no longer any life-senators, all being appointed for a term of nine years. No one of the great powers of the state can encroach upon the others. If a president violates his oath of office he can, by vote of the chamber, be impeached before the senate; if the chamber shows a disposition to exceed its proper authority it can be dissolved by the president, with the affirmative vote of the senate. The senate enjoys the advantage of having its membership renewed only to the extent of one-third every third year, and consequently may be said to be a permanent assembly, whereas the office of president receives a new incumbent every seven and the chamber entire new membership every four years. Nevertheless this triennial change of *personnel* is quite sufficient to keep the senate within the bounds of its legitimate authority.

Such was at least the theory of the French constitution of 1875; but no constitution is worth more than the men who put it into practice. It is plain that if the chamber of deputies were made up from elections falsified under official pressure, by fraud at the ballot-boxes, or by general corruption; or if the senate, instead of being composed of picked men, as should be the case with any assembly of high functions, recruited its senators from among the miscellaneous candidates presented by universal suffrage or the ranks of village notabilities; if on the occasion of a presidential election all candidates possessing high character or intelligence were carefully rejected—that constitution would be thrown out of gear in every cog. Not upon its authors could the blame be made to fall, but upon those who strove to disfigure and pervert the original conception.

One reproach can be raised against the constitution of 1875—it is based upon an English instead of an American prototype. Has not a great and prosperous republic like the United States offered the best model for the constitution of the most powerful democracy of the Old World? Has not its type been adopted by all the republics, even the Latin, of the New World? This thesis has been sustained in France, particularly by M. Andrieux, former deputy from Lyons and prefect of police, who made it the object, in 1884, of a proposed law. The chief drawback to its adoption, however, seemed to be that France occupied a territory of only 525,000 square kilometres, while that covered by the United States is 9,354,000. Hence the France of to-day, product as it is of a thousand years of history, of the old régime, of the

Revolution, of the Napoleonic empires, is a highly concentrated state, essentially a unit. It has reached this condition of unity by reason of its situation in the midst of powerful neighbours, who all, at one time or another, have had to be resisted; the United States, on the other hand, has no anxiety of war. From these observations certain consequences undeniably follow.

We can still, however, envy the United States its Supreme Court, which guarantees to every citizen his essential rights in the face of any possible arbitrariness on the part of Congress or executive power. In the matter of our essential rights the law of July 29th, 1881, is all that can be desired as regards the press; moreover, the law of June 30th, 1881, authorised all public meetings on presentation of a simple declaration signed by two citizens. Associations in the interests of public charities, commerce, or the sciences had long been allowed to form with perfect freedom, and the law of March 21st, 1884, completely broke down all previous legislation in favour of associations having the character of syndics. Also the law of the 2nd of July, 1901, would certainly have endowed France with the greatest possible liberty of association,¹ if it had not borne so arbitrarily upon congregations.

Save on this latter point it can be affirmed that French democracy, if by that term is understood the nation in its entirety and not a few detached revolutionary groups, has evolved in our more recent laws and constitution the most perfect of all political formulas. It seems indeed that the end of the mighty struggle begun in 1789 has been reached. A social system such as ours could hardly attain to a greater degree of liberty and equality; it is rather in the matter of fraternity that there still remains something to accomplish.

Having set forth the political evolution that has taken place in France since 1815, I shall later show how society has become transformed during the same period.

¹ The law of the 2nd of July, 1901, abrogates not only articles 291 and following of the Penal Code and the law of 1834, but it repeals the act of March 11th, 1872, proscribing the Workers' International Union, Article 7 of the law of the 30th of June, 1881, forbidding clubs, the law of the 26th of July, 1848, prohibiting secret societies, etc.

