

The General Will and the Extreme-Right in the National Constituent Assembly, 1789–90

Jeffrey Ryan Harris

Although historians have habitually interpreted references by French Revolutionaries to the “general will” as references to Rousseau, French people in 1789 engaged multiple versions of this idea.¹ French Revolutionaries used a variety of terms to discuss the general will of “the People” or “the nation,” including the “general will,” “general wish,” and “general interest,” among many others. Six main theories of the general will had developed in French political culture from the early 1750s to the outbreak of the Revolution, at which time Rousseau’s version was only beginning to have a significant following, which would be represented in the extreme-Left Jacobin faction of the early National Constituent Assembly. Other anticorporatist variants of the general will invented by Physiocrats or royalist propagandists in the 1770s most informed, respectively, the center-Left (dominated by the Société de 1789) and center-Right (or “Monarchien” and later “Impartial”) factions of the *Constituante*. Meanwhile, the staunchest defenders of a society of orders drew on corporatist variants of the concept that had been developed in the preceding decades by the Jansenist sect of heretical neo-Augustinian Catholics (who had first substituted the general will of the People for the general will of God), by Denis Diderot and likeminded contributors to the *Encyclopédie*, and by the magistrates of the Parlement of Paris.² This essay examines these

Jeffrey Ryan Harris is an independent scholar of early modern French and French colonial intellectual history and political culture. He received his PhD in 2020 from the University of North Carolina at Chapel Hill, where his research on the general will received support from, among other sources, the French government’s Chateaubriand Fellowship in the Humanities, the Société des Professeurs Français et Francophones d’Amérique’s Bourse Marandon, and the Fulbright-Hays DDRA Fellowship.

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¹ For the Rousseauist teleology in concept histories of the general will that construe it as having a prehistory before Rousseau, Rousseau’s general will, and post-Revolutionary responses to Rousseau, see particularly Riley, *The General Will Before Rousseau*; and Farr and Williams, *The General Will*, passim. For the claim that the general will in the French Revolution was distinctly Rousseauian, the key intervention is Manin, “Rousseau,” 830–33. Manin’s assessment continues to serve as the basis of more recent Rousseau scholarship on this question. See Spector, *Au prisme de Rousseau*, 1.

² The “anticorporatist” variants conceived of France as an agglomeration of individuals, whereas the “corporatist” variants conceived of it in terms of groups. The anticorporatist variants were thereby more socially radical, whereas the corporatist variants could easily be used to support the existing society of orders while similarly affirming that the source of sovereignty was the Nation’s or the People’s general will. Support for the general will as the source of sovereignty and support for continuity in the existing form of government were thus “independent variables” and not mutually exclusive propositions. Old institutions and practices were still defended but with new justifications rooted in the shared premise of the People’s will as the source of sovereignty. Rather than interpreting French Revolutionary

corporatist enemies of Rousseauism in the “Capuchin” faction – the mostly clerical and aristocratic extreme-Right of the *Constituante*, named like their Jacobin counterparts for the church in which they met – during the parliamentary factions’ formative period (from the opening of the Estates-General through the Dom Gerle Affair in April 1790, discussed below) and argues that the Capuchins as much as any Assembly faction developed their political arguments from the premise that the government’s legitimacy depended on the sovereign People’s general will.³

The Capuchin Leadership and the General Will

No single interpretation of the general will characterized the extreme-Right of the National Assembly. From its inception, this wing of the Assembly transcended the boundaries between multiple general will variants. Deputies espousing one of the corporatist variants found a natural home in the extreme-Right; only those corporatists who were capable of rationalizing their corporatist vision of the general will into a new anticorporatist Third Estate mainstream were able to fit in with the factional leadership on the Left or the center-Right. Some corporatists who had written about the general will prior to the Revolution, Parisian Jansenist *parlementaire* Duval d’Eprémesnil and the comte d’Antraigues (examples of the Jansenist and Encyclopedist general will variants, respectively), were later elected to the Estates-General.⁴ These and other extreme-Right leadership deputies cooperated to defend the society of orders, the King’s power, and the official status of the Catholic faith without sharing a consensus interpretation of the general will. Yet despite the fact that most of these extreme-Right leaders articulated views on the general will at some point in the Assembly’s early 1789–90 floor debates, they usually deferred to the Monarchiens’ united front in debates where the center- and extreme-Right deputies agreed on votes to be cast but not necessarily the interpretation of the general will that informed them. Unlike the Monarchiens, the Capuchins’ constitutional arguments were mainly concerned with denying the Assembly’s unique authority to interpret the general will without necessarily affirming that the King could interpret it.

Beyond the extreme-Right’s core leadership, an intellectually heterogeneous rank and file coalesced around individual initiatives from the Capuchin leadership, such as the Right’s formal protest lodged against the majority’s religious policy on April 19, 1790. While some of the April declaration’s signatories reflected the same values as the Capuchin leadership, signers of this petition upheld conflicting – some even anticorporatist – interpretations of the general will. The general will thus did not produce an ideologically united bloc on the extreme-Right, but rather the opposite: a varied alliance of deputies discontented and alienated by the anticorporatist leadership in the other three factions, mobilized by leaders who did not agree with each other let alone all of

political culture, as has Keith Baker, as a contest among the unraveled discourses of Old Regime absolutism (the discourses of will, justice, and reason), this paper contends that the revolutionaries were actually engaged in a contest *within* a vast “discourse of will.” See Baker, *Inventing the French Revolution*, particularly 25–27, 301–305.

³ This paper is an extract from my current book project, “The Struggle for the General Will and the Making of the French and Haitian Revolutions,” recently incarnated as my PhD dissertation. A section on the Jansenist general will explaining this premise previously appeared as “Jansenism, Popular Sovereignty, and the General Will in the Pre-Revolutionary Crisis.” An article on the other corporatist variants of the general will, “*Encyclopédistes*, Magistrates, and the Corporate General Will: The Argument for the Vote by Order in the Prerevolutionary Crisis,” is forthcoming.

This essay accepts the chronology of factional formation that historians have already established, particularly Timothy Tackett in *Becoming a Revolutionary*.

⁴ For Duval d’Eprémesnil and the Jansenist general will, see “Jansenism, Popular Sovereignty, and the General Will,” 221–34. For the comte d’Antraigues and the Encyclopedist general will, see Harris, “The Struggle for the General Will,” 39–41.

their rank and file. Nevertheless, the extreme-Right's general will discourse was fundamentally a force for cohesion – not uniting the extreme-Right as a party but uniting the extreme-Right with the rest of the National Assembly.⁵ When, despite reactionary inclinations derived from their aristocratic social background or devout religiosity, these deputies participated in the Revolution's new system of parliamentary government, it was because they shared the rest of the deputies' consensus framework for debate. As Robert Blackman's recent scholarship on the earliest months of the Revolution seeks to "overtur[n] previous claims that radical [left-wing] deputies drove the agenda of the National Assembly" and demonstrate "how important the contribution of moderates was to the constitutional project," this essay thus argues for the importance of the extreme-Right's discursive orientation – or, in Jay Smith's apt phrase, their "interpretive disposition" – in creating "the political culture developed by deputies of the National Assembly [that] was much more inclusive and given to compromise than historians have previously understood."⁶ Whereas Blackman and especially Timothy Tackett have portrayed the extreme-Right as "recalcitrant" who cooperated with the Monarchiens out of necessity but who really desired to expunge the entire Revolution and return to the Old Regime (or the reforms closest to it in Louis XVI's June 23 declaration), this essay contends that these assessments of the Right have underestimated how revolutionary even the most "recalcitrant" deputies' ideas actually were.⁷ The belief that sovereignty derived from the People's general will was not a radical Rousseauist idea that the Capuchins militated against as a usurpation of French political norms; that belief was their own.

Seven deputies formed the core leadership of the extreme-Right.⁸ Two of them, Louis de Foucauld de Lardimalie and the vicomte Mirabeau, did not deliver speeches recorded in the *Archives Parlementaires* in which they engaged with general will discourse (nor did the lone extreme-Right deputy who frequently held the floor but who was not essential to the extreme-Right's partisan organization, the marquis de Folleville).⁹ Jean-Jacques Duval d'Eprémèsnil

⁵ Paul Friedland has notably explored the nearly indistinguishable similarity between certain rhetorical tropes deployed by the Jacobin extreme-Left and the Counter-Revolutionary extreme-Right in Friedland, *Political Actors*, 229. This article presents the general will as another, far more significant, shared concept that the extreme-Left and extreme-Right both engaged, but engaged for different reasons. The separation between the corporatist and anticorporatist visions of the general will constituted "the one essential fact that separated future counterrevolutionaries from future Revolutionaries" and not, *pace* Friedland, "faithfulness to the principal of the binding mandate." See Friedland, *Political Actors*, 100; and a lengthy refutation of Friedland's claim about binding mandates in Blackman, *1789*, 147, 168, 170, 185, 262.

⁶ For Blackman's argument for the importance of moderates, see Blackman, *1789*, 5, 15. For Smith's "interpretive dispositions," see Smith, *Nobility Reimagined*, 22.

⁷ For the "recalcitrant" extreme-Right, see Blackman, *1789*, 182, 264; and Tackett, *Becoming a Revolutionary*, 185–87.

⁸ On the deputies' partisan alignments and factional organization, see Tackett, *Becoming a Revolutionary*; and Applewhite, *Political Alignment in the French National Assembly*.

⁹ Louis, marquis de Foucauld de Lardimalie, Second Estate deputy for Bordeaux, spoke relatively frequently in the *Constituante* but not at length. He intervened in the debates of August 4, 1789 to propose expendable sacrifices of some noble privileges while attempting to limit the abolition of honorific distinctions. He argued for the imposition of martial law to restore order in rural France after the burning of several châteaux. In 1790–91 he opposed the Assembly's religious policies, the abolition of the nobility, and many other initiatives from the majority of the Revolutionary government. He emigrated in 1792 to join Louis XVI's younger brothers in Germany. See Lemay, *Dictionnaire des Constituants*, I: 363–65; Fitzsimmons, *The Night the Old Regime Ended*, 56, 108–109, 113, 125.

André-Boniface-Louis Riquetti, vicomte de Mirabeau, Second Estate deputy for Limoges and center-Left lion Honoré de Mirabeau's younger brother, also opposed many reforms and also connived with Foucauld de Lardimalie to salvage some noble privileges on the night of August 4. Historian Jacques Godechot identified him as the only major figure of the Right who "favored the integral maintenance of the Old Regime." The vicomte Mirabeau

hesitated to participate in the National Assembly after the events of summer 1789, and in November 1789 he excused himself from the Assembly to tend to his sick wife.¹⁰ Despite being a central figure in the Parlement of Paris's constitutional disputes and despite writing about the general will in the pre-Revolution, Duval d'Eprémesnil did not discuss the general will in any of his Assembly speeches in the early *Constituante*. He spoke regularly, but his speeches generally concerned financial matters and the French East India Company – he was born in Pondicherry, in India, while his father was the French colonial governor there – as well as civil disorder in the provinces and the burning of châteaux. Most notably prior to his defense of Catholicism as the state religion in the Dom Gerle Affair – the debate that provoked the April 19, 1790 Declaration – he defended his fellow magistrates in the Rennes Parlement when they questioned the National Assembly's authority and proposed a decree that upheld the Assembly's position but with a conciliatory tone toward the Parlement.¹¹ The four extreme-Right leaders whose arguments in the Assembly engaged the general will discourse prior to the April Declaration – the comte d'Antraigues, Jacques Antoine Marie de Cazalès, the abbé Maury, and the chevalier de Montlosier – all affirmed absolute sovereignty in the will of the People, and all of them expressed their dissatisfaction with the revolutionary government by fleeing abroad to join the Counter-Revolution. Indeed, all of the leading deputies on the extreme-Right emigrated except Duval d'Eprémesnil, a magistrate in the Parlement of Paris who, like d'Antraigues, had written pamphlets arguing for the absolute sovereignty of the People's general will during the pre-Revolution and who, instead of emigrating, remained in France and was guillotined in 1794.¹²

The comte d'Antraigues was the first to go, but before he emigrated in March 1790 he was the first future extreme-Right leader discussing the general will in 1789, as the Second Estate deputy for Villeneuve-de-Berg in the Ardèche. In a May 11 speech, he argued that the Second Estate was duty-bound to uphold their constituents' "supreme will" by following the forms of 1614 and preserving the vote by order in the Estates-General.¹³ At the end of May, d'Antraigues and fellow aristocrat Cazalès, noble deputy for Rivière-Verdun in the Pyrenees, proposed a decree affirming that the expressed will of the Second Estate deputies' constituents demanded that the Estates vote by order and that each order wield a veto.¹⁴ Without each order's veto power and with the three orders combined to vote by head, Cazalès and d'Antraigues argued that there could be no check against usurpation and abuse with only one legislative power representing "one sole will" in the state.¹⁵ For these future Capuchin leaders, there was thus no question of creating a legislature in which the privileged orders could overrule the Third Estate. What set them against the Third Estate leadership was not a desire to impose their will on the Third, but rather a corporatist vision

emigrated on August 3, 1790, also to Germany. See Lemay, *Dictionnaire des Constituants*, II: 671–73; Tackett, *Becoming a Revolutionary*, 180–81; Godechot, *The Counter-Revolution*, 29–31.

Antoine-Charles-Gabriel, Marquis de Folleville, Second Estate deputy for Péronne and Amiens, spoke frequently but often only interjected to taunt and mock opposing deputies. His substantive contributions to Assembly proceedings focused on financial issues. Folleville voted with the Right and eventually emigrated after 1791 to join the King's brothers' Counter-Revolutionary armies in Germany. Lemay, *Dictionnaire des Constituants*, I: 359–60.

¹⁰ Mavidal et al., *Archives parlementaires de 1787 à 1860*, 9: 731. Hereafter *AP*.

¹¹ For Duval d'Eprémesnil on the Parlement de Bretagne, see Mavidal et al., *AP*, 11: 140–45, 167.

¹² Lemay, *Dictionnaire des Constituants*, I: 25–27, (d'Antraigues), I: 179–81 (Cazalès), I: 328–30 (Duval d'Eprémesnil), II: 645–48 (Maury), II: 691–93 (Montlosier). In 1791, Montlosier even published veritable how-to manuals for Counter-Revolutionaries, *On the necessity of operating a counter-revolution in France and Some means of operating the counter-revolution*. See Godechot, *The Counter-Revolution*, 24–25.

¹³ Mavidal et al., *AP*, 8: 34.

¹⁴ *Ibid*, 52–53. This line of argument of course reflected that of d'Antraigues's pre-Revolutionary pamphlets.

¹⁵ *Ibid*.

of French society and its representation in government that the bulk of the Third Estate quickly came to find odious as the Estates-General remained deadlocked over voting procedures.

In the National Assembly's debates, d'Antraigues and Cazalès continued to advocate the division of legislative power, this time between the Assembly and the King. In his speech on the veto, for example, d'Antraigues defined the *sanction royale* as a power accorded to the King by the Nation to intervene in the legislative process.¹⁶ He unambiguously affirmed national sovereignty, referring to it as a first principle that existed prior to any of the Assembly's decrees and from which all government must proceed: "All authority resides in the People, all authority comes from the People, and all legitimate power emanates from the People."¹⁷ He defined tyranny as any government that committed "infractions against the wills of the People," and he considered how to establish a representative government that would prevent tyranny and ensure that "The law is the only expression of the will of all."¹⁸ If France were a tiny enough country that the People could all assemble and make the laws together, d'Antraigues argued the certain outcome would be "that the laws would execute the general will," but some new mechanism was required in a representative government to produce the same result.¹⁹ In d'Antraigues's original plan for the Estates-General, the veto power of each order sufficed to ensure that the laws conformed to the "general will"; under a new constitution with the Assembly voting by head, that veto power necessarily still rested with the King.²⁰

Like most of the Monarchiens, d'Antraigues argued that the King was in a unique position to represent the nation's general will, not inherently, but because the People had already demanded a constitutional order that would afford him that role:

The King only has an interest in constantly opposing laws that would tend to diminish his own prerogative, but this prerogative is accorded to him by the "will of the People" and is guaranteed in the constitution, and in this way the interest of the King is always united with the interest of the People. He would be culpable toward the People if he ceded the slightest portion of his executive power, as he would be, now that the will of the People is made manifest to him in the *cahiers* of the nation's representatives if he did not sooner prefer to descend from the throne than to renounce the *sanction royale* that the People have declared that they want him to retain.²¹

The *sanction royale* was thus a settled question, and the Right could attack the Left on the grounds that to undermine the *sanction royale* was a direct contravention of the general will: "On this question the People have spoken."²² Beyond instantiating the will that the nation had already expressed, d'Antraigues argued that the *sanction royale* was "useful and conserves the sovereignty of the People," and that a suspensive veto would "allow the People the time to judge the decrees and the King would have the time to be informed of the will of the People."²³ The veto was thus an appeal to the People. Although the National Assembly deputies were "organs of the People...charged with manifesting the People's sovereign will," the "known will of the People"

¹⁶ Mavidal et al., *AP* 8: 543.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ Mavidal et al., *AP* 8: 544.

²⁰ *Ibid.*

²¹ *Ibid.*

²² Mavidal et al., *AP* 8: 545.

²³ Mavidal et al., *AP* 8: 544–45.

demanding that the King be empowered to interpret whether the Assembly's decrees conformed to the general will or to consult the People via new elections.²⁴

Cazalès supported d'Antraigues's arguments in the Estates-General and advanced related arguments after d'Antraigues's emigration, lamenting the dissolution of the corporatist society and affirming the King's power in the post-corporatist system. In the debate over the new judicial system in spring 1790, Cazalès argued that the destruction of the clergy, the nobility, and the Parlements eliminated intermediate institutions between the King and the People that had formed a bond rather than a barrier between them, and that denying the King control over the judiciary would sever that bond.²⁵ These corporate structures were not intended to usurp the People's sovereignty; rather, the King's mediated relationship with the People reinforced his ability to represent the People and reinforced his authority: "This is not about particular interests or different classes. It is about the common interest; it is royal authority that we must defend."²⁶ Cazalès was less concerned than d'Antraigues in preserving royal authority over some part of the legislative power, and instead argued that the King's sweeping executive power – including power over the judiciary, which Cazalès denied was distinct from the executive – constituted "the formal wish of the French People."²⁷ Cazalès denounced the Left's "democratic" forces opposing the King's rightful authority and warned his opponents, whom he accused of wanting to destroy the monarchy, that if they overruled the will of the People to destroy the King's power, "Twenty years of crimes would not end that revolution so disastrously begun."²⁸ In these arguments for retaining royal power, Cazalès, unlike d'Antraigues and other right-wing leaders, also spangled his rhetoric of the popular will with a glimmer of divine right: "The executive power must be maintained in its entirety to maintain the public liberty and happiness. This truth is only dangerous for those who would usurp the authority of their legitimate Master. The royal authority must be today the tutelary divinity for all Frenchmen, the beacon to rally good citizens."²⁹ The highly irregular blurring of distinctions between the King and the religious implications of Cazalès's phrasing "legitimate Master" immediately "excited great murmuring," yet for Cazalès, just as the Jansenists had originally transfigured the will of God into the will of the People, the unambiguously expressed will of the People had effectively transfigured their representative-King into the will of God.³⁰

The other two Capuchin deputies who discussed the general will in their speeches, François Dominique de Reynaud de Montlosier and the abbé Maury, rose to oratorical prominence after d'Antraigues and Cazalès and after the veto debate – in the case of Montlosier, because he only joined the Assembly at the end of September 1789. Montlosier, Second Estate deputy for Riom in Auvergne, challenged the National Assembly's authority just as his fellow Capuchins did, but he did not attribute any special role to the King as interpreter of the People's will. In a November 1789 speech on whether cabinet ministers could be deputies in the Assembly, Montlosier argued against Mirabeau's motion that ministers should have a non-voting seat with the privilege of

²⁴ Mavidal et al., *AP* 8: 545.

²⁵ Cazalès, *Discours*, 5–6. This speech was circulated as a pamphlet, and is included here as the best expression of Cazalès's constitutional thought despite being delivered three weeks after the Dom Gerle Affair, the approximate culmination of factional development in the *Constituante*. This speech continued Cazalès's leading role on the extreme-Right opposing the Left's judiciary reforms throughout spring 1790. See Fitzsimmons, *The Remaking of France*, 100.

²⁶ Cazalès, *Discours*, 7.

²⁷ *Ibid.*, 1–5, quote at 4–5.

²⁸ *Ibid.*, 4, 6–7.

²⁹ *Ibid.*, 7.

³⁰ *Ibid.*

speaking in a consultative role in the Assembly.³¹ This royal government's encroachment into the Assembly would quickly establish a cabal of ministers running the entire government that would undermine the functions of the Assembly; such a system would allow the King alone to seat someone in the National Assembly "against the wish of the People."³² Montlosier claimed that in England a member of Parliament – someone thus "already having the wish of the People" – could be recruited to the cabinet, but they would cease to sit in Parliament and would have to stand for election again to rejoin it.³³ Yet as concerned as Montlosier was with the menace of ministerial despotism, he was no less vigilant against the National Assembly's usurpation of the executive power: "[T]here are people who dare to claim that the People are the source of all powers but must not exercise any of them and that the People must no longer be under the despotism of nobles, princes, or priests, but under a still more inflexible despotism: that of the law."³⁴ He denounced the deputies who claimed that "the will of individual people is servitude, but the will of the law is liberty" as demagogues whose idea of "equality" was nothing more than a "corrupt liberty."³⁵ These demagogues spouted sophisms to convince the "general soul that gives life to the entire political machine" to renounce its rightful role and "remain in a state of total inaction" – to charm the nation into acquiescing to the Assembly's own tyranny.³⁶ Montlosier thus sought to keep both the King's executive power and the Assembly's legislative power within bounds to uphold the sovereign power beyond them: the People. Judging this enterprise a failure, when upon the dissolution of the *Constituante* in September 1791 the National Assembly arranged for Montlosier's return coach to take him home to Auvergne, Montlosier asked to be sent to the Counter-Revolutionary armies in Coblenz, Germany, instead; glad to be rid of him, his fellow deputies obliged!³⁷

The extreme-Right's most active and formidable spokesman in the *Constituante* was the abbé Maury, First Estate deputy for Péronne, Roye, and Amiens. Maury was among the few deputies who referred to Rousseau in his discussions of the general will – which began relatively late, after the September debates over the *sanction royale*. He referred to Rousseau's *Social Contract*, however, not to advance a Rousseauist interpretation of the general will but to denounce Rousseau and the people expecting the Assembly at any moment to submit its most radical chapters to the King for his *sanction* as the new constitution.³⁸ Maury's understanding of his opponents' theories and arguments made him the frequent recipient of both thunderous applause and jeers when he rose to speak at the rostrum.

The abbé Maury unambiguously championed the People's sovereignty, but he viewed the monarchy's power as fundamental to the new constitution – "this sacred monument that we erect for the glory and happiness of the nation."³⁹ In a long and fiery April 19, 1790 speech, Maury

³¹ Mavidal et al., *AP* 9: 715–16.

³² Mavidal et al., *AP* 9: 716.

³³ Mavidal et al., *AP* 9: 716. Although Montlosier was reluctant to remove cabinet ministers from the *Constituante* if they had already been elected as deputies, he nevertheless perceived their dual role as a conflict of interest: "I will say, as in England, that the confidence of the people must be utmost, but it is the citizen that I wish to see [in the Assembly] and not the minister."

³⁴ Mavidal et al., *AP* 11: 683.

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ See the excerpt from Robert and Cougny's *Dictionnaire des parlementaires français de 1789 à 1889*, reproduced online in the French National Assembly's biography of Montlosier, [www2.assemblee-nationale.fr/sycomore/fiche/\(num_dept\)/13917](http://www2.assemblee-nationale.fr/sycomore/fiche/(num_dept)/13917) (accessed Feb. 18, 2021).

³⁸ Mavidal et al., *AP* 9: 424.

³⁹ Mavidal et al., *AP* 13: 108.

challenged the deputies' authority to represent the entire country and to indefinitely extend their term in office while they completed the constitution. The deputies derived their power from their home constituencies alone and must "interrogate the sole will of their constituents."⁴⁰ He admonished the Assembly that *delegates* could not *confer* powers that did not originate with them, and a deputy without a home constituency could have no authority; nor could a deputy with a home constituency long represent their constituents without facing new elections. If there were demands for elections, Maury argued, the Assembly should hold them because the deputies' work was too important for their legitimacy to be cast into doubt. As of spring 1790, the constitution was sufficiently complete for the June 20th Tennis Court Oath to have been fulfilled and to call new elections, and the deputies could trust their successors to complete it. To support his argument, Maury again had recourse to Rousseau's rejection of representation:

The partisans of democracy cannot reject the opinion of their master Jean-Jacques Rousseau, who expressed in these terms in the third book of his famous *Social Contract*: "*Les députés du peuple ne sont et ne peuvent être ses représentants; ils ne sont que ses commissaires; ils ne peuvent rien conclure définitivement. Toute loi que le peuple en personne n'a point ratifiée est nulle: ce n'est point une loi.*"⁴¹

Maury rejected the idea that the next legislature would not have the same power to write or rewrite the constitution that the *Constituante* did: "I will maintain the constitution against every particular interest who would dare deny its authority.... But I would believe it absurd, I would believe it to be madness, if I worked to maintain it against the nation itself. The national wish will always be my supreme law."⁴² The constitution was binding for the citizens, even unfinished, but so too was the constitution answerable to the People as it was being drafted, in the form of new elections. If a department's local assemblies chose to hold new elections, the Assembly had no authority to repress the People's will:

The departments did not receive their powers from us; it is therefore not for us to restrain them, and it is the inalienable authority of the nation I defend when I say that the nation has the right to renew its representatives. It is not for us citizens to rise up against the general will, of which we are only the organs, and to substitute the undertakings of *mandataires* for the omnipotence of our constituents....The legislative body can never perpetuate itself in its functions in spite of the national wish....I therefore oppose any decree that limits the rights of the People over their representatives and limits the rights of the departments to elect new representatives to replace us....Sovereignty resides in the body of the nation. The nation, from which we derive our power, is above us, and we would undermine this Assembly at the foundations of its authority if we limited, by our decrees, the *national* authority.⁴³

The erudite and ever-formidable abbé Maury thus levied a frontal assault on the National Assembly's claim to represent or interpret the nation's general will.

⁴⁰ *Ibid.*, 109. Note: Maury delivered this speech on the same day the Right published the April 1790 Declaration in the wake of the Dom Gerle Affair, which made a related point and is discussed below.

⁴¹ *Ibid.*, 112.

⁴² *Ibid.*

⁴³ *Ibid.*, 112–13.

Although Maury was ferocious in his criticism of the National Assembly, he marshaled his general will discourse to the defense of certain other institutions that came into conflict with the Assembly. In denouncing the Assembly's requisitioning of church property, he accused the deputies of far overstepping their mandates: "All our provinces expressly charged you with raising taxes to meet expenditures and in an unexpected reversal of this national wish you want these portfolios, from which drip the sweat, tears, and blood of the People that are going to attain and devour our property!"⁴⁴ Maury defended the magistrates in the Parlement of Bretagne when the Assembly moved to restructure the judiciary in January 1790. Referring to the "wish of the Breton People," he recounted the integration of Bretagne into France and questioned whether their "wish" could be transferred to integrate Bretagne into a new revolutionary system and new constitution.⁴⁵ He claimed that Bretagne's existing deputies had renounced their own legitimacy on August 4 and insisted that Bretagne elect new representatives to decide its constitutional wish instead of the government deciding for Bretagne in such representatives' absence.⁴⁶ Maury argued also that the King's powers were prerequisite for anyone being capable of interpreting the general will – although he did not necessarily assign the role of interpreting it to the King. He consequently took the most unpopular position of defending what was seen as one of the most odious abuses of the Old Regime, the *lettres de cachet*, or the King's sealed orders of arbitrary arrest without any due process. In his March 1790 speech supporting the *lettres de cachet*, Maury argued that arbitrary arrest – but not with indefinite detention – was a necessary sacrifice for public order: "I do not conclude, however, that their captivity must be eternal, but that we cannot deal with them until the general interest has been settled; there can be no general will in a nation if there is no law [and order]."⁴⁷ Despite the fact that Maury's conservative policies have earned him the label of "advocate for a quasi-absolute monarchy," he and most of the other leaders of the extreme-Right were not imagining the actual absolute monarchy of Louis XV, because, along with most of the French political elite by the outbreak of the Revolution, they vested ultimate sovereignty not in the King, but the People.⁴⁸

⁴⁴ Mavidal et al., *AP*, 9: 427.

⁴⁵ Mavidal et al., *AP*, 11: 156.

⁴⁶ *Ibid.*

⁴⁷ Mavidal et al., *AP*, 12: 161.

⁴⁸ This description of the abbé Maury is from Godechot, *The Counter-Revolution*, 28. The same conclusion persists in current readings of Maury's speech in support of the absolute veto, in *AP* 8: 552–53. For the latest interpretation of Maury as ultra-royalist reactionary, see Blackman, *1789*, 194–96. Although Blackman is right to point out that Maury argued that the *sanction royale* was the King's prerogative, this "stirring defense of royal power and privilege" did not claim per se, *pace* Blackman, that the King's power was not "delegated to him by the nation." The reading of this speech most consonant with Maury's other pronouncements on the source of sovereignty is that Maury regarded certain of the monarchy's powers to have already long since been legitimately accorded by the nation to the monarchy and that to reorganize those powers would both catastrophically destabilize the state and violate the People's will, which continued to support royal authority: "All authority, we say, comes from the People, but that authority is no longer in its hands. It has regulated the powers and distributed them, and it cannot take them back without the greatest disorder," *AP* 8: 553. Maury also argued that the King's absolute veto against the National Assembly could never be more in practice than a suspensive veto against the Assembly because it was only a suspensive veto against the nation; he thus echoed other right-wing deputies' insistence that the absolute veto was not a violation of the nation's sovereignty, but the King's appeal to the People against their representatives. These nuances allowing Maury to reconcile the King's authority with the People's sovereignty were hardly acceptable to the majority of the Assembly hostile to an absolute veto – not because Maury misplaced the ultimate source of sovereignty (the People's will), but because he had a rival interpretation of that will and of which powers it affirmed in the King or would accede to the Assembly to reorganize.

The Declaration of April 19, 1790 and its Signatories

As Timothy Tackett has argued, the April 13, 1790 Dom Gerle Affair – in which a left-wing clerical deputy sought to defuse the Right in the debate over church reform by proposing to recognize Catholicism as the official religion – marked the approximate culmination of factional formation in the *Constituante*.⁴⁹ No roll call record survives of the relatively close vote, but in its aftermath 292 of the 300- or 400-deputy minority on the Right who had supported the Dom Gerle motion lodged a formal protest the week after the vote.⁵⁰ On April 19, the Capuchin leadership published their “Declaration of Part of the National Assembly on the Decree Issued on 13 April 1790, Concerning Religion” dissenting against the majority’s decision not to proclaim a state religion. In it, the Declaration’s 292 signatories, “inviolably attached to the faith of our fathers,” proclaimed their total devotion to Catholicism – and so too did they likewise proclaim their devotion to the general will.⁵¹

The popular will demanded that Catholicism be recognized as the state religion: the “known intention of our respective *baillages*” was that the Catholic Church “enjoy, alone in the kingdom, the solemnity of the public religion”: “It is therefore a factual truth consecrated by the wish of the nation, and cannot be misunderstood or contested, that the Catholic, Apostolic, and Roman religion is the religion of the state.”⁵² The debate over Dom Gerle’s motion finally confronted the central question of whether the apostate and heretical Left would conform to the will of the People: “It was not without surprise that we thus saw put to the test whether the National Assembly would recognize an incontestable fact and would conform to the general wish of the nation.”⁵³ In suppressing further discussion of establishing a state religion, the majority ignored the insistent questioning from the Right whether “all the deputies were obliged to represent their *cahiers*,” but their objections on this point “were always stifled.”⁵⁴

An erstwhile Monarchien leader who bridged the center- and extreme-Right, the comte de Virieu, had advanced the Right’s counter-motion to recognize Catholicism as the state religion but “to change nothing in this regard for the cities and areas that enjoy...particular customs” and to affirm that “the penal laws...against non-Catholics and their ministers are and will remain abolished.”⁵⁵ The majority silenced the opposition, closed the debate, and proceeded with a vote; in response, Virieu declared “that the lack of freedom of discussion and the known wish of the nation rendered the deliberations null by rights and that he would appeal it to the nation.”⁵⁶ The Bishop of Uzès then rose from his seat to exclaim, “I object in the name of religion, of my constituents, of my diocese, and of the French church against the decree that has just been rendered,” and countless other deputies on the Right rose to repeat their own version of this objection.⁵⁷ The 292 deputies who signed this formal protest and account to their constituents of the Dom Gerle Affair thus not only affirmed their religious convictions but attacked the Assembly

⁴⁹ Tackett, *Becoming a Revolutionary*, 267–71.

⁵⁰ The vote is not recorded, so the exact number is unknown, although the deputy Lindet recorded the number supporting the Dom Gerle motion at 304. Tackett estimates the tally as having been closer to 400. Tackett, *Becoming a Revolutionary*, 267–71.

⁵¹ [n.a.], *Déclaration d’une partie de l’assemblée nationale*, 3.

⁵² *Ibid.*

⁵³ *Ibid.*, 5.

⁵⁴ *Ibid.*, 6.

⁵⁵ *Ibid.*, 7.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

majority on the specific grounds of having voted against the general will and having supplanted it with particular interests. The Assembly had betrayed “the general wish of the nation,” rebuffed the explicit will of the People directly expressed in the *cahiers de doléances*, and had refused even to discuss a compromise that reconciled the “general wish” with the particular interests or “particular customs” of heterodox areas of the country. The Right’s worst fears in the veto debate were realized: the majority of the Assembly had joined together to oppress the majority of the People, and the King, who would wield the veto under the constitution, was powerless to stop the usurpers drafting the constitution from flagrantly betraying the nation’s general will.

Nearly all of the Capuchin leadership – Cazalès, Duval d’Eprémèsnil, Foucauld de Lardimalie, the abbé Maury, the vicomte Mirabeau, and the marquis de Folleville – signed the April 19 Declaration, as did of course the comte Virieu.⁵⁸ Most of these leaders had already spoken on the general will, and their guidance undoubtedly ensured that the Declaration would be framed in terms of that general will discourse. Some of the Right’s rank and file who had spoken on the floor of the Assembly had also referred to the general will in their speeches, in some cases elaborating on the concept at length.⁵⁹ Although the 292 signatories were socially homogenous with more than 90 percent of them belonging to the privileged orders, their engagement with the general will discourse reflected an intellectual heterogeneity.⁶⁰

The exposition of the myriad conflicting interpretations of the general will that informed non-leadership deputies’ arguments is beyond the scope of this paper, however the eclectic rank and file of the extreme-Right were united by their religious zeal, their doubt in the National Assembly’s competence to interpret the general will, and their willingness to follow Capuchin leadership to be whipped for roll-call votes. They did not derive their political ideas from any single intellectual tradition, but instead borrowed pieces of their general will discourse from all the available variants in late Old Regime political culture and among the Assembly’s factional leadership. While the three anticorporatist variants organized the factional divisions between the extreme-Left, center-Left, and center-Right, and while a medley of corporatist variants inspired the extreme-Right’s factional leadership, the votes available to be whipped for the extreme-Right

⁵⁸ The comte d’Antraigues had already emigrated the month prior. This study has not ascertained what could possibly have kept the only Capuchin non-signatory leader still in the Assembly, Montlosier, from signing the declaration.

⁵⁹ Several signatory deputies made such passing mentions. Bottex, curé of Neuville-sur-Ain and deputy for the First Estate from Bresse, expressed his desire in June 1789 to submit his credentials to the Assembly for verification and “to unite as much as I can with the general good of the realm,” Mavidal et al., *AP*, 8: 153. The baron de Montboissier, deputy for the Second Estate from Chartres, argued that proportional taxation was “the wish of the nation,” Mavidal et al., *AP*, 9: 26. Malartic, a parish priest and clerical deputy for Castelmoron d’Albret (Gironde), joined other petitioners to argue that in dividing the country into *départements* it was in the “general interest of the realm” to create a specific separate department in Poitou, Mavidal et al., *AP*, 10: 697. Bouville, Second Estate deputy for Caux in Languedoc, supported Cazalès in arguing for how the departments, as soon as they were assembled, should name new deputies to collectively represent the “national wish,” Mavidal et al., *AP*, 11: 636. Bengy de Puyvallée, a noble deputy from Berry, argued that the division of France into departments violated the “general good” of the state and urged the *Constituante* to invent a system of representation that would “united the hearts, interests, and wills” of the nation around the “national interest.” Mavidal et al., *AP*, 9: 683–85.

More substantive discussions of the general will from rank-and-file extreme-Right deputies include: Beauvais, former Bishop of Senes, Mavidal et al., *AP*, 8: 645–48; Béthisy, Bishop of Uzès, Mavidal et al., *AP*, 9: 487–90; the abbé Eymar, deputy for Hagenau in Alsace, Mavidal et al., *AP*, 8: 270, 9: 419–23, 11: 586, 12: 740; Mayet, First Estate deputy for Lyon, Mavidal et al., Mavidal et al., *AP*, 9: 510, 12: 247; Crenière, Third Estate deputy for Vendôme, Mavidal et al., *AP*, 8: 318, 8: 451, 8: 550–51; and Salle, Third Estate deputy for Nancy, Mavidal et al., *AP*, 8: 529–33. These deputies represent an array of Physiocratic, Rousseauist, royalist, and corporatist interpretations of the general will.

⁶⁰ Tackett, *Becoming a Revolutionary*, 269.

were not drawn from within any single general will variant's boundaries. They transcended those boundaries.

The Capuchins between Revolution and Counter-Revolution

From any of their definitions of the general will, the Capuchin deputies understood the National Assembly to have violated it by levying attacks against the Catholic faith they knew their constituents did not support. They rallied to support the religious policy they believed in and that they understood the People to believe in as well, and after losing the April 13, 1790 vote, they circulated the April 19 Declaration and fomented popular opposition to the Assembly's perfidy. Their protest resonated with large swaths of the kingdom – further amplified with the Right's protests against the Civil Constitution of the Clergy in 1791.⁶¹ Yet from the Capuchin leadership to the rank and file, the extreme-Right articulated its discontent from within the same all-pervasive general will discourse as the majority coalition in the Assembly that they opposed – the same framework that all four factions shared, that made debate between them possible, and that enabled their participation in a shared parliamentary government. These Capuchins, even as they poured over the German and Swiss frontiers to rally around the King's brothers in exile, were incapable of escaping the Revolution because the Revolution had already been achieved in the Old Regime for which they were so nostalgic. The Counter-Revolution rejected the National Assembly's decrees *because those decrees contravened the sovereign People's general will*.⁶² The thinkable alternative France they pined for was one resembling the past forty years – still wholly imbued with the general will discourse that originated within it – not a fantasy of Louisquatorzian and *Louisquinzien* Bourbon absolutism that had already ceased to exist. For the parliamentary Right, their Counter-Revolution *was* the Revolution – a crusade to rescue the People's cherished monarchy and religion and to instantiate the government the *cahiers* had demanded.

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⁶¹ See Tackett, *Becoming a Revolutionary*, 271; and Tackett, *Religion, Revolution, and Regional Culture*, 19–20, 210–18.

⁶² This fact of course did not prevent the extreme-Right's enemies from constructing the Counter-Revolutionary *émigré*, "the most implacable enemy of the Revolution" in the "revolutionary imagination," as the antithesis of the triumph of popular sovereignty. See Burrows, "The *Émigrés* and Conspiracy", 150.

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