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Robert M. Schwartz and Robert A. Schneider, Eds. *Tocqueville and Beyond. Essays on the Old Regime in Honor of David D. Bien*. Newark: University of Delaware Press, London: Associated University Presses, 2003. 300pp. Bibliography, list of contributors, index. U.S. (cl) \$52.50 ISBN 0-87413-830-2.

Review by Keith Michael Baker, Stanford University.

“Have you read Tocqueville? That’s always a good place to start,” David Bien would say to students embarking on the effort to understand the Old Regime.^[1] How appropriate, then, that this volume of essays exploring the arguments of *L’Ancien Régime et la Révolution* in the light of recent historiographical research should be presented in his honor by grateful and admiring students and colleagues. The choice of tribute speaks to the modesty of a scholar who would rather have the spotlight focused on Tocqueville’s classic work than on his own. And the result reminds us of the gifts of a teacher who attracted many talented students and admirably guided the substantial contributions their research has made to our knowledge of the issues Tocqueville opened up. It also points to the accomplishments of a historian who has in so many ways shared and deepened Tocqueville’s approach to understanding the transformations of the Old Regime that prepared the French Revolution. The volume implicitly invites us to consider the work of its honoree in the same league as Tocqueville’s: Bien’s taste for comparative historical reflection, his conceptual rigor, archival intelligence, and sense for the subtleties of his subject are only highlighted by the comparison. The list of his publications included in the volume makes it all the more disappointing that the editors offer only a very brief appreciation of the significance of his work. But it also shows how valuable it would be to have a collection of his classic essays brought together in a single volume. Is there a publisher reading this?

As one might expect, given his long association with David Bien and his role in returning Tocqueville to the center of recent historiographical debate, pride of place in the collection is given to an essay by François Furet. It is drawn from an introduction he wrote before his death for a new edition of *L’Ancien Régime et la Révolution*, now ably translated by Alan S. Kahan.^[2] Frustratingly, the contributors to this collection sometimes quote or cite the Kahan translation, and sometimes the less satisfactory older translation by Stuart Gilbert. The editors would have done readers a service by establishing consistency in this matter. Fortunately, the Kahan translation has now been made available in paperback by the University of Chicago Press so that it can be widely used for teaching, and as the English-language version of reference.

If Furet’s essay leads off the collection, however, a subtext of the volume runs somewhat counter to the “revisionist” approach with which Furet has been most closely identified. It might even be said that one of the volume’s underlying agendas is to rescue Tocqueville from the revisionists. The interest of these essays therefore appears in two dimensions: as a series of efforts to reconsider Tocqueville’s arguments in the light of current research and as a response to a “revisionist” historiography that has claimed Tocquevillian inspiration. I turn first to the former dimension.

Collective Individualism

Appropriately in a work dedicated to David Bien, Furet devotes more attention here than he has earlier to drawing out from Tocqueville a more explicit discussion of the implications of the sale of titles and offices (a topic that has been central to Bien’s work). Furet begins his essay with an illuminating

comparison between Tocqueville's approaches to the French Revolution in 1836 (the date of the article, published in the *London and Westminster Review*, on the social and political condition of France in 1789) and in 1856 (the date of *The Old Regime and the French Revolution*). In 1836, Tocqueville described the Revolution as a sudden acceleration in a longer-term movement of modern society toward equality, but showed little interest in its nature as an event. Twenty years later, the paradoxical character of the Revolution was precisely what he sought to understand: its character, that is, as a quasi-religious, universalistic movement intent on making a clean break with history and creating the world anew, even as it was accelerating a process of political and social evolution long underway in France (and throughout the Atlantic world). The problem Tocqueville posed, and that Furet followed him in making his own, was how the Old Regime created the conditions of its own violent repudiation through a radical rupture with the past.

Tocqueville's answer (as Furet presents it here) is that the absolute monarchy separated the traditional elites one from another and from society at large, deprived them of power, rendered them ever more equal in subjection, and made them ever less unequal in wealth. At the same time, through a fiscal system that depended on the sale of privileges and distinctions, the monarchy stimulated the passion for differentiation and distinction. The nobility had been disempowered at the national, provincial, and local levels, even as its numbers were expanded and differentiated through the sale of offices and titles. Seigneurial rights had become an investment opportunity rather than an exclusive privilege; they were no longer the sign of the connection between the noble and the community. Aristocratic identity was salvaged for old and new nobles alike, and social and economic investment in noble status justified, by an increasingly brittle spirit of caste differentiation. At the same time, the urban elites, increasingly subject to administrative tutelage, were fleeced by the system of venality of municipal offices, even as they found themselves immersed in that "enormous field of social jealousy" (p. 48) created by the sale of privileges to corporate bodies of all kinds. (The peasantry are not explicitly brought into Tocqueville's analysis of this fracturing of the traditional solidarities of the elite in Book 2, Chapter 9 of *The Old Regime and the Revolution*, but it can be linked to his argument, in Book 2, Chapter 1, that the peasants had become individual landowners increasingly resentful of seigneurial dues that had lost any traditional logic. "In reality, the lord is but an inhabitant whose immunities and privileges separate and isolate him from everyone else; his rank is different, not his power" [ORR, p. 114]).

Hence the Tocquevillian paradox that by 1789 the French had become more alike yet more divided one from another. More alike as a result of administrative centralization, political subjection, and commercial development, Louis XVI's subjects were nevertheless more divided by factitious social barriers. (It would not be difficult to put a more explicitly Rousseauian gloss on this.) They had entered a state Tocqueville described as "collective individualism," in which "each one of the thousand little groups of which French society was composed thought only of itself" (ORR, p. 163). In this state, writes Tocqueville, "these isolated people had become so similar that it would have been enough for them to change places to become unrecognizable" (ORR, p. 163). Furet presents this as a kind of intermediate stage between a traditional hierarchical society and a modern society of individuals.

Tocqueville remarked that "the lightest contact with *self-government* would have profoundly modified and rapidly transformed or destroyed" this state of affairs. (p. 49; ORR, p. 283; italics added to indicate that Tocqueville used the English phrase). Indeed, he was convinced that "whoever could have plumbed [French] minds would have discovered that, even to them, the little barriers which divided such similar people seemed to be as contrary to the public interest as to good sense, and that already they adored unity in theory. Each of them only held on to his own rank because others divided themselves by rank; but they were all prepared to mingle in the same mass, provided that no one held aloof and that no one was above the common level" (ORR, p. 163). One might say that it was precisely the calling of the Estates General that offered the French that "lightest contact with *self-government*." When it did, the ideology of the Old Regime collapsed.

In Furet's final reading of Tocqueville, then, "a revolution prior to the Revolution" had produced "a social and political state in constant dissolution and recomposition: a monarchy too democratic for the remnants of aristocracy it maintained and too centralized for the vestiges of feudalism it retained—all in all, a mongrel system whose brilliance and authority would not survive the contradictions in its principles for long ... The revolutionaries' *tabula rasa* was the Old Regime's creation" (p. 50). The Tocquevillian idea that the absolute monarchy had already revolutionized and destroyed the Old Regime from within was already central in Furet's *Penser la Révolution française*. But Furet seems here to have nuanced the model somewhat by pointing more explicitly to the contradictions still inhering in "a mongrel system." In various ways, all the essays in this volume speak to the question of such contradictions.

Nobles

The fragmentation and loss of a clear meaning of nobility as a result of royal policies has been brilliantly described by David Bien himself in several studies, including a contribution to the *Critical Dictionary of the French Revolution*.^[3] Ran Halévi draws on Bien's article in an essay entitled "The Illusion of 'Honor': Nobility and Monarchical Construction in the Eighteenth Century" that is not entirely well served by its translator. Was the "Monarchical Construction" in the title meant to be "the Monarchical Constitution"? This latter, at any rate, is the central subject of Halévi's discussion. He begins by linking the central Tocquevillian narrative to the "surprising facts" of the "eclipse and silence" of the high nobility in the eighteenth-century discussion of the nature of the French constitution: "Nobility... was at once too separated from the rest of society and too accessible not to inspire a universal detestation," he argues. "Dispossessed, uprooted, it became 'atomized' to a point where it was totally impossible—Tocqueville did not say it, but his entire text suggests it—for it to give itself and even imagine any constitutional vocation"(p. 75).

Halévi finds evidence of this situation in the absence within constitutional debate, at least until the Maupeou coup of 1771, of any significant reference to the Estates General, the institution in which the nobility would most naturally exercise political leadership. (We do know, however, that Mably was imagining ways to force the calling of the Estates General in his *Des droits et des devoirs du citoyen* as early as 1758, though this work remained unpublished until 1789. One might also think, in this context, of the sporadic efforts of the prince de Conti to claim a constitutional role for the Princes of the Blood). It is fundamental for Halévi's analysis that even—or, perhaps, especially—*De l'Esprit des lois* maintains silence in this regard. Montesquieu makes the quintessentially noble sentiment of honor the very principle of monarchy, but Halévi reads *De l'Esprit des lois* as implying that this sentiment had already been undermined by royal policies to the point of becoming illusory. Similarly, he argues, although Montesquieu insisted that the existence of a nobility was one of monarchy's essential elements, his discussion of the intermediary bodies tempering royal power "allows absolutely no place for the forgotten organ that is the Estates General" (p. 81). Instead, Halévi suggests, the *premier président* from Bordeaux looked to the *parlements* as constituting the essential *dépot des lois* and to the magistrates as alone capable, at least institutionally, through their Remonstrances, of limiting royal power. And Montesquieu was followed in this focus on the *parlements* by Le Paige and other defenders of the magistracy (as well as royal propagandists like Moreau compelled to answer *parlementaire* claims). If calls for the Estates-General surfaced in oppositional discourse after the constitutional shock of 1771, Halévi concludes, this did little to give the nobility other constitutional options. As 1789 was to prove, it was too late to translate a now illusory honor into an effective political project.

But was honor already seen as an entirely depleted resource by mid-century? Jay Smith strongly suggests otherwise in his essay, "Recovering Tocqueville's Social Interpretation of the French Revolution: Eighteenth-Century France Rethinks Nobility." Smith agrees that royal policies had

cheapened nobility by putting it up for sale while simultaneously depriving it of any effective political or social function. But alongside denunciation of “counterfeit” nobility acquired through purchase, he discovers a vein of nostalgia for an “authentic” nobility and a desire to recuperate the traditional values associated with it for new social purposes. The debate over Coyer’s proposal in 1756 for the creation of a “commercial nobility” provided ample opportunity for the expression of such views. But Smith looks in this volume instead at two other examples of “the cultural diffusion of a set of ideals associated with nobility,” (p. 56) Claude-Louis-Michel de Sacy’s multi-volume *L’Honneur François* (1769–1784) and Joseph-Michel-Antoine Servan’s *Discours sur les moeurs* (1769).

In celebrating an idealized past, Sacy was aiming to stretch an aristocratic conception of honor (at once the expression and recognition of “male and sublime virtues”) to cover the civil virtues of any citizen devoted to the *patrie*. Servan was more concerned to rehabilitate an authentic sense of morality and public service in a commercial society where individual virtue had been corrupted and civic spirit undermined. In Smith’s analysis, however, both writers imagined a “true, spiritual, nobility...composed of all right-minded citizens who kept alive the ‘glorious chimera’ of honor and performed zealously their civic duties.” Their works represented a process of the transvaluation of noble ideas by which honor was democratized, and equality ennobled, through the actualization of individual merit and the expression of civic virtue. In effect, Smith argues, Servan and Sacy imagined “a nobility without nobles” (p. 64).

Contra Tocqueville, and Furet in this volume, Smith thus sees the desire for equality expressed not in antagonism toward the nobility, but in the recuperation of its ideals in the conception of a new spirit of patriotic service to the nation. How then to explain the outburst of anger against the Second Estate, and the assault on noble privileges, in 1789? In closing remarks, Smith suggests that this occurred when many members of the Second Estate suddenly refused to share redefined notions of nobility and merit with their fellow citizens. While Sacy and Servan and their ilk had been refashioning noble values into a more democratic conception of service to the nation, there were others—recognizable from David Bien’s well-known analysis of efforts to professionalize the army—who had been thinking of “a newly professionalized and patriotic nobility that would retain its hereditary character” (p. 65). It was their refusal to give the latter up, Smith suggests, that sparked the backlash against the nobility in 1789.

Was it clearly necessary for nobles to renounce hereditary status in order to claim advancement through merit? Not according to Rafe Blaufarb, whose essay on “Nobles, Aristocrats, and the Origins of the French Revolution” offers a fresh perspective on the *cahiers* of the nobility in 1789. Guy Chaussinand-Nogaret’s influential book cited these documents to support his argument that the upper nobility had been merging with the richest bourgeois families into a new eighteenth-century elite, which he saw fused by wealth and by a meritocratic ideology linking honor to achievement, and social promotion to the capacities best demonstrated when careers are open equally to the talents. [4] Blaufarb counters by pointing out that these *cahiers* were drafted by assemblies dominated not by the upper nobility, but by military officers from relatively modest provincial backgrounds, and that former military men were the overwhelming majority among the noble deputies to the Estates-General. In his analysis, the calls for equality and the recognition of merit these latter brought with them to Versailles were directed, above all, at elements of the new elite Chaussinand-Nogaret described: the plutocrats who had bought their way into titles, military commissions, and many of France’s most ancient families, usurping “places and honors that should have gone to lesser nobles who had earned them through service” (p. 91). These nobles were calling upon the Estates-General to “regenerate the nobility and French society as a whole by restoring the preeminence of merit and service” (p. 92).

In Blaufarb’s account, then, the ideological fault line in 1789 lay among nobles rather than between nobles and members of the Third Estate. When the assemblies of the Second Estate denounced “aristocrats” and “despotism,” he argues, they were targeting the usurpation of positions, pensions, and honors by wealthy courtiers; when they called for equality, they meant “the constitutional equality of all

gentilhommes.” In effect, they were demanding “a pared-down nobility freed from the pernicious influence of the Court, purged of rich *anoblis*, and continually rejuvenated by the ennoblement of meritorious public servants” (p. 93).

One of the most interesting implications of this analysis is that it explains why these nobles could accept (and even initiate) the “holocaust of privileges” that occurred on the Night of Fourth August 1789. In their view, opening careers and dignities to talent meant wresting them from the plutocrats, not denying them to professionalized military nobles. Put another way, they thought it better to open the military and other professions to merit that some nobles could demonstrate than to leave positions in the hands of venal placemen with newly-minted titles.

One weakness of Blaufarb’s essay is that it skips over the crucial, radicalizing, months between the drafting of the *cahiers* and 4 August 1789: the reader wonders what happened to the arguments he describes during the period of high tension before Louis XVI ordered the First and Second Estates to join the National Assembly. But Blaufarb does draw some fascinating evidence from regimental petitions calling for army reform in the period from August to October 1789. Drafted by officers’ committees who declared themselves “afflicted and disgusted by cruel tyranny and arbitrary authority,” these petitions attacked “the ‘class of privileged men’ that owed its position to ‘wealth and access to the ministers,’” and called for an end to “the fatal distinction which creates... two nobilities and gives to one the places merited by the other” (p. 94).

That arguments for equality could be used against them seems to have escaped many of these nobles, at least until the abolition of titles of nobility by the National Assembly on 19 November 1790. Blaufarb invites us to reconsider the assumption that this action was an “inevitable postscript” to the legislation that followed the Night of Fourth August, suggesting instead that the abolition of nobility was sudden, unanticipated, and orchestrated by a radical minority of the deputies. Protesting against it, nobles argued that the legitimacy of hereditary distinctions was implicitly recognized when the legislation arising from the Night of Fourth August declared that “no useful profession will entail derogation.” They defended their titles as “the most inviolable of properties” protected by the Declaration of the Rights of Man and of the Citizen (pp. 100-101). Once again, they called for the purification of their ranks through elimination of corruption and usurped titles, the leveling of distinctions within the nobility, and admission of new nobles through merit rather than wealth or favor. “A year into the Revolution,” Blaufarb concludes, “the bitter internal divisions of the Old Regime continued to undermine the unity of the nobility and shape its politics” (p. 103).

Hadn’t the nobles who defended their titles as inviolable properties missed the essential point implicit in the legislation following the Night of Fourth August? Wasn’t that legislation intended to save any property that could be redefined as an absolute individual possession deriving ultimately from the exercise of natural rights, precisely at the cost of jettisoning a traditional notion of property as a complex bundle of heterogeneous rights deriving from the differential status of persons, legal as well as economic? If that is indeed the case, then the implication of Robert Descimon’s essay, “Reading Tocqueville: Property and Aristocracy in Modern France,” is that Tocqueville missed the point of this legislation too. “Looking back to the Old Regime with the sentiments, concepts, and opinions of the nineteenth century,” Descimon argues, “he was unable to see that the concept of property could have so recently undergone such a radical intellectual revolution, making absolute ownership out of a plurality of property rights shared among different people” (p. 114).

Drawing on a reading of *Democracy in America* as well as the *Old Regime and the Revolution*, Descimon finds their author approaching the Old Regime less as an historian than as a landowner and political actor supremely aware of the threat of despotism now posed by socialism. This was the threat

Tocqueville found anticipated by claims in the Sun King's decrees: "Louis XIV publicized in his edicts the view that all the landed estates in the kingdom had in the first instance been granted to their occupants conditionally and that their true owner was the State and the State alone.... This idea is basic to our modern socialism, and it is odd to find it emerging for the first time in France under a despotic monarchy" (p. 112). Descimon links this passage to Tocqueville's "refusal to take into account the divided nature of Old Regime property" (p. 116), his "mistaken simplification that noble property was property like any other;" his "failure to recognize how legal distinctions in land were linked to legal distinctions between men;" and his "blind spot" regarding the difference between the lord's rights to his own direct domain and those to the usufruct of his *censive* lands (p. 113). In his analysis, Tocqueville was so convinced of the importance for his own age of the link between liberty and property—above all, the situated landed property of an aristocratic class he saw as a bastion against the dangers of the market and the extremes of individualism that he had little use for the nuances of eighteenth-century property law. "Neither the juridical economy of Old Regime property, nor the political philosophy of the absolutist monarchy could be of any help to his thought" (p. 121).

Is Descimon being too severe in his judgment? As evidence of its author's "mistaken simplification that noble property was property like any other," he points to a passage in *The Old Regime and the Revolution* denouncing the *franc-fief* (a tax paid by non-noble owners of fiefs) on the grounds that its existence prevented nobles and commoners from "making common cause regarding that form of property which more than any other causes men to pool their interests: the ownership of real estate" (p. 123, note 13). A critical reader is inclined to object that this passage actually implies a recognition that ownership of real estate was only one *form of property*, but that would be a mistake. The original French contains no such phrase. (What pitfalls there are in translation! The original refers [*italics added here*] only to "*la chose qui assimile le plus vite et le mieux les hommes les uns aux autres, la propriété foncière.*")

Nonetheless, Tocqueville does write quite explicitly, in the preceding sentence, that the right of *franc-fief* "created the same distinction between lands that existed between people, and they increased in tandem" (*ORR*, p. 167), thus clearly stating his recognition of the link between the different statuses of persons and the different statuses of land. His point is that the *franc-fief*, like other ancient taxes, had been even more heavily exploited (levied every twenty years rather than once a lifetime) to feed the demands of royal finances. "The nobility itself would have liked to see it abolished, for it prevented commoners from buying their land; but the needs of the treasury demanded that it be maintained and increased" (*ORR*, p. 167). In Tocqueville's analysis, the *franc-fief* had become one of those devices that maintained and accentuated divisions among Frenchmen even as they were becoming more similar in other ways—including their attitudes toward property.

Peasants

Robert Schwartz demonstrates very well, in his essay on "Tocqueville and Rural Politics in Eighteenth-Century France," how far rights of lordship had lost any traditional relationship to obligations of personal status, at least in the Burgundian villages he has studied. There, he shows, nobles new and old engaged in vigorous action to prevent *censive* lands from being sold as freehold, and to derive profits from the rich complex of seigneurial rights of lordship, exploiting them directly or leasing them to others. They brought suits to enforce these rights, first in the seigneurial courts and then in the *parlement* of Dijon, often against other wealthy families holding land, but not resident in the community. The commoners leasing seigneurial rights, and exploiting them no less aggressively for profit, were most often substantial peasant farmers within the village community. Frequently, too, the lord's agents or the lessees of his rights were in a position to advance their fortunes by monopolizing village offices and assuming a principal role in the village assemblies. These developments brought further tensions between richer and poorer peasants into the mix, Schwarz argues, without in the long run diminishing

resentment of the *seigneur*. At the level of the peasantry, too, the French were becoming more divided as they became more alike.

Village assemblies did defend their collective interests against those of the lord or absentee landholders, to make their officials accountable, or to maintain a degree of fairness between rich and poor in their tax rolls. Often they received indirect support from the *intendant* in their efforts to do so, owing to the fact that the royal administration had an interest in preserving community resources “as a key element of fiscal policy geared to maintaining the king’s share of peasant production” (p. 184). The subservience to the *intendant* that Tocqueville saw as “administrative tutelage” could, from the village perspective Schwartz adopts, look more like administrative tutoring. And couldn’t peasants learn also from experience with litigious lords and their agents? Although Schwartz points in passing to the fact that those exploiting the rights of lordship could draw on the specialized knowledge of feudal lawyers, he does not point to the possibility that village communities could do the same thing, as Hilton Root has in another study of Burgundian communities written under David Bien’s supervision. [5] Schwartz emphasizes the way in which exploitation of seigneurial rights ushered in rural capitalism; it would have been interesting to learn more of the professional technicians of feudality who may have served peasants as well as lords and their agents, thus preparing the way (directly or indirectly) for the statements of grievances that showed up in the rural *cahiers* in 1789.

Schwartz offers his findings as qualifying Tocqueville’s view of the peasantry as abandoned by their lord and enfeebled by administrative control, “a flock of coarse and ignorant peasants, incapable of directing the administration of their common affairs” (p. 173). The author of *The Old Regime and the Revolution*, he suggests, may have been misled by too heavy a reliance on Turgot’s descriptions of rural conditions in the Limousin—a notoriously backward region. The peasantry would have looked different from Burgundian sources, he concludes, and from a perspective closer to a peasant’s than to the Intendant’s.

Tocqueville certainly read Turgot with great care, and cited only Burke more often by name in *The Old Regime and the Revolution*, as Robert T. Gannett Jr. has noted in his fascinating and wonderfully informative analysis of Tocqueville’s sources. [6] Indeed, we now know, thanks to Gannett, that Tocqueville was directed to “read the works of Turgot during his intendancy” by one of the earliest sources he consulted as he began researching the history and legal technicalities of the feudal regime, Daresté de la Chavanne’s *Histoire des classes agricoles depuis Saint Louis jusqu’à Louis XIV* (on this work and Tocqueville’s study of it, see Gannett, pp. 47-56, pp. 81-82; and p. 193, note 16 for the quotation). Chavannes’s work, published in 1853, had won a prize offered for a study on this subject by the Académie des sciences morales et politiques in 1852. The prize-essay question, as Gannett points out, invited contestants to inscribe the history of the agricultural classes within a liberal view of the progress of society and civilization, and it was Guizot himself who announced the winning entry, though not without criticism for its failure to capture “the moral laws that preside over the enchainment of facts.” (Gannett, p. 49) Tocqueville learned from Chavannes’s facts, but found a very different kind of enchainment than Guizot would have wanted him to see.

Allowing for some measure of indulgence toward a reviewer eager to make even distant connections, one might nevertheless link Chavannes’s apparently faulty attempt to write the history of the peasantry into Guizot’s story of the progress of civilization to the studies of peasant culture discussed in André Burguière’s essay, “Monarchical Centralization and the Birth of Social Sciences: Voyagers and Statisticians in Search of France at the End of the Eighteenth Century.” Indeed, Burguière argues that it was not until the period between the end of the Old Regime and the end of the first Empire that any significant efforts were made to bring the peasantry into the story of civilization. The authors of these studies were from the urban elite imbued with Enlightenment values, members of learned societies, often servants of the centralized state who went from royal service to administrative careers under the

revolutionary and Napoleonic regimes. Their problem, one might say, was to understand the peasants who had to be transformed into Frenchmen. Some of them emphasized geographical and climatic determinism to explain regional differences in peasant culture; others were more inclined towards archeological explanations, finding in peasant customs fragments of ancient pasts. Still others looked beyond what appeared to be surface variation to a deeper universal, looking initially to an ancient Gaul and then beyond that to an enduring Celtic legacy. This latter became the subject, indeed the obsession, of the short-lived Académie Celtique, which pursued its vision of a Druidic culture older than Classical civilization, a universal wisdom of the ancients preserved by the peasantry for the French nation, and hence for all humankind.

What strikes Burguière as most interesting in this early French ethnography is its inflection toward the universal and its consequent failure to yield a notion of distinctive national character along the lines the Germans received from Herder. Bringing his topic back to a Tocquevillian theme, he attributes this finding, in part, to the fact that territorial unification and administrative centralization had gone further in France than in Germany. The French, he suggests, did not have to create an ethnic or cultural heritage to become a nation, they had only to claim sovereignty from the royal power that had already forged their unity, eliminate surviving remnants of cultural particularity, and offer a universalizing mission to the world.

This is an important point for the modern history of nationalism, which the French invented in 1789 as they completing the unifying work of their monarchy, claiming its sovereignty and transforming its subjects into citizens. Sieyès provided the most explicit justification for this transformation by imputing a primordial political identity to an entity resulting from a centuries-long exercise of royal power. In asking what defined a nation, he was inquiring into the rights of citizenship and the exercise of sovereignty within the nation. He did not have to ask when or how the French became a nation, or how they might become a nation. In fact, he almost completely elided discussion of an original social contract. “We must think of the nations of the earth as like men living outside the bonds of society or ‘in a state of nature,’ as it is called...,” he argued. “Existing only within the natural order, their will needs only to bear the *natural* characteristics of a will to have full effect. Whatever the manner in which the nation wills, it is enough that it wills.”[7] Projecting, with Sieyès, from a unique history of monarchical centralization, the French first imagined a world of nations each exercising a sovereign national will. Transforming other histories in ways that would correspond to this idea was to prove a convulsive enterprise.

In this regard, Wayne te Brake’s essay “The Old Regime and the Dutch Revolutions,” offers a welcome reminder that Tocqueville’s approach was always explicitly or implicitly comparative. Tocqueville’s preferred comparisons were among France, Britain and the United States, but he did not forget Germany, especially in his thinking about the relationship between lords and peasants. [ORR, bk. II, chap. 1] Te Brake brings a new element into the mix by discussing the course of Dutch politics from 1748 to 1848. Two of his observations seem particularly relevant. The first reminds us not to take the French model linking nationalism to a process of administrative centralization as the quintessentially European one. Dutch political conflicts took place in less centralized and more variegated “political spaces,” he argues, and in a context where “the identification of national unity and political centralization with popular sovereignty and political emancipation seemed eminently contestable” (p. 258).

Te Brake’s second observation reminds us of the importance of war in shaping patterns of domestic political conflict and the evolution of national political cultures, a topic Tocqueville was quite prepared to neglect. The financial pressures posed by warfare clearly form a backdrop to Tocqueville’s analysis of administrative centralization and fiscal exactions in France, but he had little interest in the ideological implications of the conduct of war itself. The attempts to redefine honor in relationship to patriotic duty

described by Smith, the effort to professionalize the army discussed by Blaufarb, were profoundly linked to the anxieties raised by French military performance in the Seven Years War and later conflicts. Reading David Bell's *The Cult of the Nation* alongside Linda Colley's *Britons* tells us much about this aspect of the development of notions of citizenship and patriotism at a level of political discourse that Tocqueville was disinclined to consider.[8]

Institutions

Touching on the theme of Enlightenment universalism, Burguière's essay reminds the reader of the central place of men of letters in Tocqueville's anatomization of the Old Regime. Unfortunately, only one contribution to the volume under review treats this aspect of Tocqueville's thinking, and that somewhat indirectly. Robert Schneider's "Self-Censorship and Men of Letters: Tocqueville's Critique of the Enlightenment in Historical Perspective" is principally concerned with forms of self-discipline accepted by writers in the seventeenth-century, but it is framed by an illuminating analysis of a generally overlooked aspect of Tocqueville's analysis of the role of men of letters in preparing the Revolution a century later.

Schneider spends little time on Tocqueville's characterization of the "abstract literary politics" of the philosophes and his argument that the men of letters had replaced the nobility as representatives of the nation. Neither of these simplifications, he rightly points out, holds up against the evidence of the practical and utilitarian aspects of Enlightenment thinking or of the continuing political engagement of nobles in the *parlements*, in royal government, or in the politics of the Court. Tocqueville was clearly exaggerating when he asserted that "the whole spirit of political opposition to which the government's vices gave birth, unable to make itself felt in public affairs, had taken refuge in literature" (*ORR*, p. 204). Instead, Schneider points to a third element in Tocqueville's discussion of the role of men of letters: their irresponsible failure to maintain at least a public respect for the institutions of established religion, whatever their personal views. In England, Tocqueville writes, "all who had anything to fear from a revolution made haste to come to the rescue of the established faith... Even those Englishmen who were inclined to share the views of our philosophers repudiated them as being a danger to the State" (p. 194). Voltaire's famous quip about the perils of subversive talk in front of the servants to the contrary, neither the *philosophes* nor the nobles Tocqueville saw following them in their free-thinking views were willing to exercise the self-restraint necessary to sustain the utility of religion in maintaining the social order.

Schneider asks why seventeenth-century men of letters were willing to exercise such "prudential self-censorship" while their successors were not. His rich answer points to a complex set of factors going well beyond any obvious fear of persecution: long-standing intellectual traditions endorsing prudence, reinforced by the evident dangers arising from the invention of the printing press; fears of the mob, recently revived by the violence and disorder of the Wars of Religion; the social situation of men of letters embedded within the aristocratic, government, and ecclesiastic institutions of the Old Regime; acceptance of royal supremacy as a necessary condition for social peace. Writers, Schneider argues, "embraced a supreme monarchy as necessary for social peace and many participated in the process of its mystification, in part by contributing to the discourse that celebrated the monarch's supremacy, in part by prescribing limits to that discourse. The institution of the monarch inspired a sense of discipline among seventeenth-century writers and intellectuals, not so much through censorship or repression as through their willing identification with its needs and interests" (p. 197).

It would have been fascinating to have had an equally thoughtful analysis of the process by which the habit of self-censorship Schneider describes broke down in the eighteenth century, and how that process might be related to Tocquevillian themes. Schneider offers two very general thoughts. The first is that self-censorship was not easy to sustain even in a seventeenth-century society "whose sense of the 'public'

was so limited; it must have become much harder to realize “in the much wider, culturally more dynamic world of the eighteenth-century” (p. 218). (Are there echoes of Habermas on the public sphere here?) The second is that the traumatic memory of the Wars of Religion that haunted the seventeenth century (as the Revolution did the nineteenth century) was becoming increasingly remote in the eighteenth. As it did so, men of letters forgot its lesson regarding the dangers of “unrestrained discourse” (p. 219).

The extent to which the specter of religious war had receded by the eighteenth century might be debated: *philosophes* could still denounce it as the offspring of dogmatism, fanaticism, and intolerance; defenders of throne and altar could still conjure it up as the affliction from which society had been saved by absolute monarchy and the imposition of religious unity. To note this is also to recognize that the enforcement of religious uniformity so central to the consolidation of monarchical power in the seventeenth century—and so critical to the weakening of absolutism in the eighteenth—has no place in Tocqueville’s analysis. Neither Protestants nor Jansenists feature in his story. Indeed, as Carolyn Chappell Lougee points out in her essay, “Cross Purposes: The Intendant of La Rochelle and Protestant Policy at the Revocation,” *The Old Regime and the Revolution* never once mentions Protestantism and avoids any direct discussion of the issue of religious freedom (p. 167).

Lougee reminds us of the fundamental importance of this issue in an essay that addresses a central aspect of Tocqueville’s analysis, the relationship between the Sun King and his *intendants*. As in the case of men of letters, it is somewhat disappointing that only one essay in the entire volume is devoted to a topic so fundamental to the argument of *The Old Regime and the Revolution*. But we should be grateful, nonetheless, for the gem that Lougee offers us. She opens her essay ironically, by remarking that it “examines a defining feature of the Old Regime that Alexis de Tocqueville declined to mention in his *Old Regime and French Revolution*, in a geographical area that had no role in his story, using his preferred type of source in a way he did not imagine, in pursuit of issues that lay at the heart of his picture of pre-Revolutionary governmental practice” (p. 155). But what she shows, in her reading of the correspondence between the intendant of La Rochelle, Pierre Arnoul, and various *secrétaires d’Etat* in Versailles during the years 1683 to 1688, explodes any vestige of the Tocquevillian notion that the intendants were regional clones of a uniform, centralized administration.

Lougee portrays Arnoul at cross purposes with a central administration divided among rival political clans in Versailles, each with their ministerial bases and contending priorities. He was eager to free up the maritime trade of La Rochelle by weakening the Protestant connections that controlled it, but he thought more could be achieved by incentives than by coercive measures. He tried to temper the latter where and when he could. We see him under escalating pressure to implement methods of forced conversion that yielded results he regarded as uncertain (given the difficulties of distinguishing between the true conversions and the false ones that concealed a hardened obstinacy), counterproductive in a maritime region (since *dragonnades* could simply prompt their victims to sail for other shores), and, above all, harmful to commerce (since such desertions, depriving France of mercantile skills and capital, could scarcely be prevented in any case without closing down all maritime trade in the region). He was more interested in economics than religion, and inclined to think that Protestants were too. Ultimately, however, he tired of enforcing priorities imposed upon him from inland, and resigned his post. “What really mattered for Arnoul,” Lougee concludes, “was that religion be ‘of no consequence whatever for commerce’; religious uniformity was irrelevant, unless as a means to that end” (p. 166). How many of his fellow *intendants* would have been willing to take such a position we do not know—as Lougee notes, there has yet to be a comparative study of the implementation of the Revocation in the various intendantships. But we can safely speculate that, a century later, many more *intendants* would share this view.

How this might have become the case is nowhere better discussed in this volume than in Gail Bossenga's essay on "Status, *Corps*, and Monarchy: Roots of Modern Citizenship in the Old Regime." The most comprehensive contribution to the collection, Bossenga's is also in many ways the most Tocquevillian in its structural and institutional perspectives (though it makes adroit use of Max Weber on status, and accepts a helping hand from William Sewell on institutions). Taking us back to the basic and growing contradiction between the traditional hierarchical and corporative social logic of the Old Regime (so well explained by Loyseau) and the implications of the centralizing state, Bossenga offers a lucid overview of the processes of institutional differentiation, and accompanying political and linguistic change, that eventually issued in the revolutionary transformation of a society of Orders and Estates into a nation of citizens.

In Bossenga's structural analysis, the institutional conflicts between the crown and the *parlements*—the political playing out of the growing contradictions between the assumptions, norms, and practices of the older judicial institutions and those of the newer, more centralized administrative system—come into clear focus. Thanks primarily to Dale Van Kley,^[9] we have learned much more in recent years of the role of Jansenism in driving these conflicts, but Bossenga reminds us (as has Michael Kwass in another excellent study by a former student of David Bien ^[10]) that they were also about the fundamental issue of fiscality. Indeed, arguments over taxation—which the *parlements* turned into arguments about rights and representation—provided a crucial context in which notions of "the citizen" (the term increasingly used to designate those who paid taxes) and "the Nation" (the term increasingly used to designate the collectivity whose rights the *parlements* sought to defend) were given broad salience in pre-Revolutionary political culture.

With this analysis, Bossenga illuminates what seems to me to be the true blind spot at the very center of *The Old Regime and the Revolution*. That Tocqueville so profoundly underestimated the significance of these constitutional conflicts seems all the more surprising in light of the fact that he was a direct descendant of Malesherbes, whose Remonstrances on behalf of the Cour des Aides represented one of the most powerful constitutionalist indictments of administrative despotism. In fact, his discussion of *parlementaire* opposition to royal policies is tucked into a remote corner of a chapter of his work that at first sight seems almost like an afterthought (though it proves to be crucial for Tocqueville's notion of freedom). Having insisted in the previous chapter that "the destruction of political liberty and the division of classes caused almost all the ills of which the old regime perished," Tocqueville turned around in this chapter (Chapter 11 of Book II) to discuss the "kind of freedom that existed under the old regime and its influence on the Revolution." There he pointed to the survival "in the midst of many institutions already prepared for absolute power" of "an unusual kind of freedom" (*ORR*, p. 171), "a kind of disorderly and unhealthy freedom [that] prepared the French to overthrow despotism," but "perhaps made them less capable than any other people of founding in its place the free and peaceable empire of the law" (*ORR*, p. 179) The practices of the law courts, Tocqueville argues, were "the only part of a free nation's education that the old regime gave us." Their "irregular intervention... in government, which often disturbed the efficient administration of business, thus sometimes served as the guardian of men's liberties." Nonetheless, "it was a great evil which limited a greater one" (*ORR*, p. 177).

Why then did Tocqueville give the *parlements* so marginal and ambiguous a role in his account? Part of the answer relates to the fundamental problem he was seeking to solve in his work: the origins of the habit of "democratic despotism" that had led the French, from 1789 on, to associate equality with authoritarian rule, and so consistently to choose that combination over the exercise of liberty. The phenomenon of "democratic despotism" was what Tocqueville most urgently needed to explain after the coup d'état of Louis Napoleon in 1851, and he traced its origins back though the Napoleonic regime to the French Revolution, and beyond that to the ways in which absolute monarchy in an administrative mode had infected the French with an egalitarian, centralizing, despotic ideology. What he discovered,

and what he wanted to impress upon the French of his own day, was that “we had become a country of absolute government through our political and administrative institutions” (ORR, p.176).

Nonetheless, Tocqueville hastened immediately to add, “we had remained a free people in our judicial ones [institutions].” Freedom had been rendered vestigial under the Old Regime: “reduced and deformed,” “irregular and intermittent,” “always linked to the idea of exception and privilege” (p. 179). Yet the *parlements*, above all, had kept some embers of liberty alive, and they were able to fan them back into flame on the eve of the Revolution. On the one hand, then, Tocqueville wanted to argue that the subversive work of absolute monarchy was already essentially complete by that time; the taste for liberty, associated as it was with the spirit of exception and privilege, was revived too late to overcome the mentality of democratic despotism, that combination of equality and subjugation to which the French had been habituated by the absolute monarchy. On the other hand, he wanted to remind his contemporaries that they had fallen yet further than their forbears into the depths of servitude and dependence. Even as they were succumbing to despotism, the French of the eighteenth century retained a vestigial spirit of independence that had been entirely lost to their successors a century later. Tocqueville’s view of the *parlements* was caught between these competing messages.

The merit of Bossenga’s essay is that it brings into clear relief what much recent research has made abundantly shown. Tocqueville was too eager to declare his patient moribund before 1789. Absolute monarchy had not yet destroyed the Old Regime; it had introduced fundamental contradictions within it. These contradictions were played out and radicalized in many ways, but most visibly in the political struggles between the judicial and the administrative institutions of the monarchy. As these struggles escalated, older terms were stretched to take on new meanings, traditional roles were radically redefined. Seen from this perspective, as Bossenga rightly emphasizes, the *parlements’* defense of corporate rights and liberties was “essential to the construction of citizenship” (p. 145)—though no more essential, one must add, than the opposing administrative notions of citizenship against which they were directed. It may be an oversimplification to say that “the *parlements* were the only institution with a national presence that had the jurisdictional powers to stand up to the royal government” (p. 145). Whether or not the *parlements* could claim such a national presence was precisely what was at issue in the famous *séance de flagellation* of 1766, in which Louis XV emphatically prohibited “his” separate law courts from representing themselves as “one and the same body...necessarily indivisible...the seat, the tribunal, the spokesman of the nation...protector and essential depository of the nation’s liberties, interests, and rights.”[11] It seems likely that the crown did its political cause more harm than good by enunciating (if only to denounce) in such a systematic and radical fashion the *parlementaire* challenges to the monarch’s absolute will. But it was through such rhetorical escalations on both sides that the choice between liberty and despotism had by 1789 come to appear an inescapable one for a “nation” and its “citizens.”

Reclaiming Tocqueville

As I noted earlier, a subtext to this volume suggests a desire by at least some of the contributors to reclaim Tocqueville from the “revisionists.” Its editors remark that “Tocqueville was invoked frequently by revisionists as a precursor who, unlike the Marxist-inspired orthodox historians, appreciated the force of politics in shaping the social order.” But they blame recent historiographical focus on the political culture of the Old Regime for the fact that “both political and social history have gone into relative eclipse” (p. 24)—a highly dubious judgment, to my mind, at least as regards the fortunes of political history, which have been dramatically revived in the past two decades, producing work that a number of the contributors to this volume draw upon. In the same spirit, they also lament that the historiography of political culture “not only stole the spotlight from political and social history, it also diverted attention away from Tocqueville’s approach just when, in the wake of the revisionist victory,

the moment was ripe for renewed attention” (p. 24). Without more precise definitions regarding what counts as “social,” “political,” or “cultural,” it is difficult to weigh these claims. Nor is it easy to see how far the essays offered in the volume actually take us beyond the political culture approach.

Jay Smith observes that because the revival of interest in Tocqueville “coincided with the demise of economic determinism and the Marxist model of analysis, Tocqueville has come to be identified in historians’ minds with the ‘political’ interpretation of the Revolution and its origins promoted by revisionists” (p. 52). (Surely, though, renewed attention to Tocqueville did more than “coincide” with abandonment of the Marxist approach: as Furet’s work makes clear, the turn toward Tocqueville was an essential element in developing an alternative to Marx.) Taking issue with my characterization of the move from a Marxian model of understanding the French Revolution to a Tocquevillian one as a shift “from a basically social approach to the subject to a basically political one” (p. 52), Smith wants to put the social back into our reading of *The Old Regime and the Revolution*. But what counts as social, and why, seems to be taken for granted. Smith’s essay actually describes a series of claims about meanings—the meaning of “nobility,” the meaning of “honor,” the meaning of “patriotism.” To my mind, this sounds a lot like the study of political culture, or at least the approach to political culture I offered some time ago in suggesting that “it sees politics as about making claims; as the activity through which individuals and groups in any society articulate, negotiate, implement, and enforce the competing claims they make upon one another and upon the whole.”[12]

Blaufarb takes a more generous view of the political culture approach. “Far from rendering social history obsolete,” he concludes, “the linguistically sensitive approaches of the post-bicentennial decade have opened new possibilities for a multifaceted social interpretation of revolutionary origins.” His essay is meant to suggest the fundamental point that meanings accepted by revolutionary actors at one point could unexpectedly be revealed later to have meant different things to different groups. “Only in the course of responding to events, governing the country, and hammering out concrete reform policies did the revolutionaries come to realize that the words they were using meant different things to different people. Revolutionary words had no fixed meaning, but rather took on different meanings in different social contexts” (p. 105). This seems right to me, except for the ambiguity I sense in the use of the word “social contexts.” Does “in different social contexts” mean “among different social groups”? In this case, one might ask how stable such social groups are, and whether the definitions of the subject positions that produce them are not themselves variable, part of a shifting political situation in which group identities are themselves up for grabs. Or does “in social contexts” mean something more general, like different configurations of the relationship among groups and individuals at different historical moments? In that case, we might ask why these are defined as “social” rather than, say, “political,” and how the definitions of these situations as different occur at particular points.

Gail Bossenga, too, wants to go beyond the political culture approach. In her analysis, “the price to be paid” for this mode of understanding the Old Regime was that it “blurred the relationship between the political and cultural spheres. The emphasis given to cultural meaning often left aside the connection with social practice, and it became difficult to explain how politics and culture were related to social groups or the economy.” She offers an institutional perspective as better able to “identify the intersection of the cultural, social, and political domains and restore the connections among them” (p. 128). I willingly accept her argument that a transformation of the institutional arrangements of the old regime occurred, and that it affected “the extraction of resources, the regulation of social processes, and the definition of identities and social status” (p. 128), among many other things.[13] The question I would want to discuss further with her is how we should think about institutions.

I would want to think of institutions as relatively settled systems of claims, which is to say that they are claims that have been successfully (or successfully enough) instituted to set up a whole series of (more or less) regular relationships among individuals and groups. Understood in this sense, one might think of

institutions as reiterated speech acts. To paraphrase J. L. Austin, people do things with words; words do things to people. With words, the extraction of social resources is ordered, legitimated, or resisted; social processes are regulated or disrupted, identities and social status defined or redefined. This is why conflicts over definitions and linguistic shifts remain such a central part of Bossenga's story. What Smith, Blaufarb, and Bossenga, and many of the other contributors to this volume suggest is that everything is in movement in eighteenth-century France, every definition is up for grabs. That Tocqueville recognized this situation, and pointed to so many ways in which it might be explored, is one reason why the pages of *The Old Regime and the Revolution* remain so fascinating.

LIST OF ESSAYS

- Robert A. Schneider and Robert M. Schwarz, "Introduction"
- François Furet, "Tocqueville and the Old Regime"
- Jay M. Smith, "Recovering Tocqueville's Social Interpretation of the French Revolution: Eighteenth-Century France Rethinks Nobility"
- Ran Halévi, "The Illusion of 'Honor': Nobility and Monarchical Construction in the Eighteenth Century"
- Rafe Blaufarb, "Nobles, Aristocrats, and the Origins of the French Revolution"
- Robert Descimon, "Reading Tocqueville: Property and Aristocracy in Modern France"
- Gail Bossenga, "Status, *Corps*, and Monarchy: Roots of Modern Citizenship in the Old Regime"
- Carolyn Chappell Lougee, "Cross Purposes: The Intendant of La Rochelle and Protestant Policy at the Revocation"
- Robert M. Schwartz, "Tocqueville and Rural Politics in Eighteenth-Century France"
- Robert A. Schneider, "Self-Censorship and Men of Letters: Tocqueville's Critique of the Enlightenment in Historical Perspective"
- André Burguière, "Monarchical Centralization and the Birth of Social Sciences: Voyagers and Statisticians in Search of France at the End of the Eighteenth Century"
- Wayne te Brake, "The Old Regime and the Dutch Revolutions"

NOTES

[1] As reported in the volume under review, page 7.

[2] Alexis de Tocqueville, *The Old Regime and the French Revolution*, edited and with an introduction and critical apparatus by François Furet and Françoise Mélonio; translated by Alan S. Kahan, 2 vols. (Chicago: University of Chicago Press, 1998-2001). Further references to this work will cite Volume 1: The Complete Text parenthetically as *ORR*. The second volume of this edition prints Tocqueville's notes on the French Revolution and Napoleon.

[3] David D. Bien, "Aristocracy," in François Furet and Mona Ozouf, eds., *A Critical Dictionary of the French Revolution*, translated by Arthur Goldhammer (Cambridge, MA: Harvard University Press, 1989), pp. 616-628.

[4] Guy Chaussinand-Nogaret, *The French Nobility in the Eighteenth Century: From Feudalism to Enlightenment*, translated by William Doyle (Cambridge: Cambridge University Press, 1985).

[5] Hilton L. Root, *Peasants and King in Burgundy. Agrarian Foundations of French Absolutism* (Berkeley: University of California Press, 1987), pp. 183-193.

[6] Robert R. Gannett Jr., *Tocqueville Unveiled. The Historian and His Sources for The Old Regime and the French Revolution* (Chicago: University of Chicago Press, 2003), p. 70. Further references will cite this work parenthetically as Gannett.

[7] Emmanuel-Joseph Sieyès, *Qu'est ce que le Tiers-Etat?* edited with introduction and notes by Roberto Zapperi (Geneva: Librairie Droz, 1970), p.183; my translation.

[8] David A. Bell, *The Cult of the Nation in France. Inventing Nationalism, 1680-1800* (Cambridge, MA: Harvard University Press, 2001) and Linda Colley, *Britons: Forging the Nation 1707-1837* (New Haven, CT: Yale University Press, 1992).

[9] Dale Van Kley, *The Religious Origins of the French Revolution: From Calvin to the Civil Constitution, 1560-1791* (New Haven, CT: Yale University Press, 1996).

[10] Michael Kwass, *Privilege and the Politics of Taxation in Eighteenth-Century France. Liberté, Égalité, Fiscalité* (Cambridge: Cambridge University Press, 2000).

[11] Keith Michael Baker, ed., *The Old Regime and the French Revolution* (Chicago: University of Chicago Press, 1987), p. 49.

[12] Keith Michael Baker, *Inventing the French Revolution. Essays on French Political Culture in the Eighteenth Century* (Cambridge: Cambridge University Press, 1990), p. 4.

[13] Baker, *Inventing the French Revolution*, pp. 109-127.

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