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Howard G. Brown and Judith A. Miller, Eds., *Taking Liberties: Problems of a New Order from the French Revolution to Napoleon*. Manchester and New York: Manchester University Press, 2002. ix + 210 pp. Notes and index. £45.00 U.K. (hb). ISBN 0-7190-6431-7; £14.99 U.K. (pb). ISBN 0-7190-6431-7.

Review by Jill Maciak Walshaw, Université de Montréal.

Forgive me, fellow historians, for I have sinned. It seems that I have had a tendency, in my years as a scholar of revolutionary France, to give short shrift to the period of the Directory and Consulate. I am not sure if it is the fact that my interest lies with the early modern rather than with the modern period, or if it is the passion of the Tennis Court Oath and the drama of the Terror which draw my attention to the earlier part of the decade. Either way, I realize now that I have always felt, subconsciously, that the “excitement” was somehow “over” by 1795, that all that was left was the machinations of the rich and powerful and endless dry legalistic haggling, leading only to a return to despotism.

Apparently, I am not alone. As Howard Brown and Judith Miller write in the introduction to their new edited collection, too many historians have treated the years from 1794 to 1804 as “an addendum or a preface to more inspiring episodes of French history” (p. 1). The editors go on to provide us with a tremendously useful, up-to-date survey of the historiography of the period, from the Napoleonic origins of the “black legend” of the Directory, a negative assessment perpetuated by nineteenth-century Marxist historians, through biographical approaches, political culture, interdisciplinarity and regional history, focusing on the works of Isser Woloch, Bronislaw Baczko, and Donald Sutherland, among others. In particular, Brown and Miller call for more scholarship on local politics and provincial resistance after 1794, going so far as to assert that understanding the period “requires a form of political history that gets out of Paris” (p. 11); even our knowledge of French society under the Napoleonic state “remains rather fragmentary” (p. 13). The need is indeed keenly felt, as this is the only systematic treatment of rural issues in the volume. In the period of the Consulate, economic history has seen the most innovative new research, with cultural approaches lagging behind in comparison to scholarship on the revolutionary era: the editors cite women and people of colour as sectors of society needing more attention. Although, as Rebecca Spang writes later in the volume, “scholars have long recognized this period as crucial for the formation and consolidation of the structures of modern France” (p. 113), there clearly remains much work to be done.

It was in order to help rectify this problem that a two-day conference was held at Emory University in November 1999, and the present volume represents a selection of eight of the fourteen papers which were given at that conference. They range greatly in topic, from arbitrary detention to luxury consumption, from women’s status to Napoleon’s officer corps, but all contribute to a greater understanding of a somewhat understudied and even maligned period. Chronologically speaking, the first four papers deal primarily with the Directory, and the last four with the Consulate and Empire. The individual authors assume differing levels of familiarity with the era, a problem which Howard Brown recognizes and attempts to rectify with an opening essay, entitled “The Search for Stability” (p. 20). Brown’s essay not only provides a contextual framework for the papers that follow but also serves as a vehicle for his argument that we should rethink the significance of the Brumaire coup and conceive of the ten years from 1794 to 1804 in terms of continuity rather than rupture. At this point, I would like to turn to the work of the individual contributors of the volume, and return at the end to an assessment of the book’s interpretive framework as a whole.

Jennifer Heuer's contribution, entitled "Family Bonds and Female Citizenship: *émigré* women under the Directory", takes examples from civil court records and applications for amnesty by female *émigrées* to illustrate contemporary debates surrounding the political and civil identity of women. There was a contradiction, Heuer asserts, between the status of an independent citizen and the role of a dependent in a paternal household, which led to a conflict, for children and especially for women, between loyalty to the nation and loyalty to father or spouse. The issue of female emigration actually affected a surprising number of individuals: according to Heuer, 13,000 women applied for amnesty under the law of 28 Vendémiaire IX alone. Moreover, the question poses an interesting puzzle: if women were dependents first and citizens second, they could not be held responsible for having emigrated with their fathers or husbands? Indeed, if women's *civil* rights were to be protected, it was argued, they should be allowed to return home regardless of the actions of the head of household. Heuer's study is somewhat weak on the 1797-1799 period, which is covered with only a brief remark (p. 66), and her assertion that "most recent scholarship" has tended to drop the question of women's rights after 1793 or 1795 could use some nuancing, particularly in light of Suzanne Desan's recent work (p. 54).^[1] Overall, however, her argument that the Directory is a formative period in post-1799 legislation, rather than simply an interim period, is well-made.

Judith Miller, one of the book's editors and the key player in organizing the conference at Emory, chose the little-known civil suits for "*lésion d'oultre--moitié*" as the subject matter for her piece. This awkward phrase means "damage of more than half", and it formed the basis for a legal argument which allowed sellers of property to confront their buyers later and demand more money. In the wake of the Terror and the terrible inflation following the collapse of the *assignats*, sellers realized that they had not received the true value of their property: not only had many been forced to sell land and other property for much less than it was worth, but with the subsequent inflation of the *assignat*, payments made were virtually worthless. Miller nimbly weaves her way among the tedious yet thorny legal debates of the era, delivering to us the fruits of her labour: a clear, readable account of an issue which brings the financial consequences of the coups d'états of Thermidor and Fructidor into focus. By contrast, her five-page "epilogue", which discusses the role of melodrama in arguing *lésion* cases under the more strict Napoleonic code, seems somewhat incongruous: although thematically consistent, the sudden downshift into literary sources and discussion of rhetoric and body language catches the reader off guard. Nonetheless, the piece overall is both pertinent and captivating, with well-chosen anecdotal illustrations bringing the subject alive.

The fourth chapter is written by Sorbonne scholar Marie-Noëlle Bourguet, who whisks us away from property litigation to far-away Egypt, and to Napoleon's ill-fated scientific and military campaign there from 1798 to 1801. Bourguet seeks to re-examine the political nature of this campaign by considering prior scientific expeditions, the practical considerations for such a voyage to Egypt, and its operational methods, although her claims to originality are somewhat suspect.^[2] The scientific aspects of the expedition were of course secondary to the military aspects--Bourguet describes how scholars wishing to explore beyond the Nile valley were bound to their military escort and were sometimes unable even to dismount to make their sketches (p.102). The author also highlights the scientists' lack of cultural awareness: language, history and traditions were virtually ignored in both their scholarly work and their interactions with the Egyptians; their resulting publication, the *Description de l'Égypte*, was written in French and remained inaccessible to local populations. In this sense, Bourguet's concluding suggestion that Egyptian national consciousness was spurred by knowledge of the past generated by the French expedition seems only tenuously supported, and should perhaps form the basis of a longer and more far-reaching work.

Rebecca Spang's erudite yet immensely entertaining paper is a study of "frivolity" in the era of the Directory, commonly associated with light-heartedness, superficiality and even lewd behaviour after the

austerity of the Terror. French writers attempting to defend their national character argued that only a small percentage were truly “frivolous”; at any rate, the idea that frivolity, like political upheaval, might be specific to the French, served to reassure conservative foreign readers—the British in particular—that the threat of Revolution was contained. However, Spang goes beyond this assertion to examine the underlying causes of the French reputation for frivolity, and argues that an interesting shift was taking place: “luxury” was gradually replaced by “pleasure”, a more personalized category. Whereas “luxury” had some negative connotations left over from the era of the Maximum, “pleasure” was increasingly associated with Paris shops and goods, and consumption of “frivolous” items perceived by lawmakers and administrators as “an economic imperative for the nation” (p. 122). Some of the themes described will be familiar to those who know Spang’s earlier piece with Colin Jones, but their inclusion here is important for the volume and does not seem repetitive.[3]

Marking a transition into the second half of the book, Rafé Blaufarb’s excellent chapter is the first of four papers dealing exclusively with the Napoleonic era. In “The Social Contours of Meritocracy in the Napoleonic Officer Corps”, the author argues against the commonly held notion that Napoleon actively sought out promising young front-line soldiers and moved them up through the ranks. Instead of concentrating on the well-known but unrepresentative examples of highly-decorated generals, Blaufarb examines the lower ranks of the officer corps, where a very different picture emerges. Although Napoleon did value merit and was inclined to promote because of it, his underlying goal was to create a new, loyal elite for both military and civil service by recruiting young men directly from the upper echelons of society. True, seventy-seven per cent of all *sous-lieutenants* (the lowest rank in the officer corps) had begun as simple soldiers, but almost none of these would ascend past the rank of captain: the upper grades of the corps were dominated by Napoleon’s hand-picked elite. Moreover, by requiring these recruits to attend expensive military schools, Napoleon effectively excluded the undesirable lower classes while never breaking openly with meritocratic principles or reinstating formal social exclusions, a “politically acceptable means of perpetuating the existing social hierarchy” (p. 132). Blaufarb’s well-argued and seamless paper concludes—mercifully avoiding any mention of batons or backpacks—that had the regime not fallen, the shrinking pool of notables from which new officers could be drawn would have eventually revealed the monarchical pretensions behind Napoleon’s façade of meritocracy.

In chapter seven, Ronald Schechter examines Napoleon’s Jewish Assemblies of 1806, giving us a preview of the final chapter of his recently-published book, *Obstinate Hebrews*. [4] The assemblies were convened ostensibly to resolve the issue of usury in Alsace, but Schechter argues that they held another importance for Napoleon, presenting him with an opportunity to cast himself in the role of lawgiver and lend legitimacy to his rule. Studying their speeches, reports, prayers, and sermons, Schechter shows how delegates to the Assembly also took advantage of the opportunity not only to refute prejudices, but to turn negative stereotypes in their favour. Moreover, participants put a positive spin on certain assumptions, recasting the perceived “legalism” of the Jewish faith in the light of a new order which praised the law, and transforming the eternal “obstinate” Jew into a faithful, steadfast, and constant French citizen. Schechter concludes that the Assemblies’ skilful orators succeeded in implying that God’s law was superior to Napoleonic law, leading Schechter to conclude that their reports amounted to a “cultural performance”, revealing the “paradoxical limits to Napoleon’s control over the very discourse meant to justify his political authority” (p. 165). Schechter’s claim to historiographical originality—that the episode is most often viewed judgementally by historians and that scholars have tended to accept the pretext of dealing with usury at face value—is poorly supported by the few older sources he cites, a weakness which appears to have been addressed in his book.

Michael Sibalis’ contribution on the Senatorial Commission on Personal Liberty, a body formed in 1804 to protect the rights of citizens against arbitrary imprisonment, stands out among the papers as impeccably argued and extremely readable. The Commission met regularly for a period of ten years, and

handled over 500 grievances. Only one-quarter of these came from individuals detained on charges of conspiracy or political opposition; the remainder of the petitioners were ordinary criminals, vagabonds, troublesome family members, or the insane, with a handful falling outside the jurisdiction of the Commission as their authors were not actually in prison. Meticulously tracking down details and connections, Sibalis uncovers astonishing material, including cases of individuals returned to prison despite acquittals, kept years beyond their assigned sentence, or denied a trial at all. Even more remarkable, however, was the almost total reluctance of the Commission to assume responsibility and challenge the Ministry of General Police. In the overwhelming majority of cases, the senators made half-hearted attempts to query the legality of an individual's treatment, and accepted the Ministry's refusal to reconsider without protest; in only one case did they show firmness in seeking the release of a prisoner. Sibalis' conclusion—that the Napoleonic regime was a police state, and that the elite accepted that such authoritarianism was a necessary evil to maintain law and order—is believable, although one does wonder why the senators argued so vehemently for their Commission if they only intended to make token enquiries and then turn a blind eye to injustice (p. 168-69). At any rate, this is a compelling and thought-provoking piece.

The final chapter, written by Annie Jourdan, concerns the relationship between artists and the government from the Revolution through the Napoleonic period. Having lost their traditional noble clients, artists were forced to depend on the government for their livelihood, a relationship which was as lucrative (art was valued for its educative and moralistic function) as it was unstable (with changes in ministers jeopardizing commissioned projects and prizes awarded in *assignats* soon worthless). Under Napoleon, the trend reversed somewhat; Jourdan notes an initial overvaluation of art, leading to wealth for some and disappointment for others. However, in contrast to writers, artists were arguably more concerned with their work and their income than with the politics of the Empire, and some—even the politically-inspired David—showed signs of disaffection by the end of the period. Although Jourdan does make some interesting points, this last chapter suffers from a lack of internal organization, and its argument is disappointingly unassertive. Themes such as the prices demanded for works and the role of Napoleon's Minister of Art, Denon, pop up sporadically throughout the chapter, and the repetition of paragraphs beginning with "These examples demonstrate..." merely conveys a desperate attempt to hold the argument together. I regret to say that I lost the argument completely towards the end: a first attempt at categorizing artists' relationships with the government fizzled around page 199, and a second attempt to list five categories (pp. 200-1) is no more successful, as categories two and five greatly resemble each other, and indeed, contain two of the same artists. The inclusion of Jourdan's paper, however, does lend a flavour of interdisciplinarity to the collection, while broadening the international dimension of the contributors.

Overall, the chapters in this volume contribute to a strong whole, which convincingly supports the editors' contention that the era of the Directory and the Consulate should be reconsidered as a period of innovation and development, and, as such, worthy of a greater degree of attention. While a few individual claims to historiographical originality are perhaps a bit stretched, it is clear that exciting new work is being done on this generally neglected period. Jennifer Heuer's paper, for example, takes strength from the assertion that amnesty for émigrés has not much been studied, as English-speaking historians "tend to see émigrés as counter-revolutionary nobles justly shut out by a republic they had abandoned" (p. 62). For Michael Sibalis, the question of neglect is one of source material, for while some historians have worked on the Senatorial Commission on Personal Liberty, none have examined the relevant police records, which reveal how authorities "flouted the rights of French citizens" during the era (pp. 166-67). On the other hand, for Judith Miller, Rafe Blaufarb, and Rebecca Spang, the key historiographical contribution is to challenge our accepted notion of the nature and significance of the period. Miller questions the seemingly infallible idea that the Directory was an era which protected freedom of contract and sanctity of property, and Blaufarb demonstrates that our assumptions about meritocracy in Napoleon's army are possibly unfounded. Rebecca Spang goes even further, proposing an

altogether new timetable for analysing the factors underlying the impression of “frivolity” in the Directory and explicitly questioning historians’ tendency to interpret society based on periods of political demarcation, a practice which implies that “changes in state structure drive and define all others” (p. 113).

Ultimately, this is the central argument of the book, and one which Howard Brown takes even further in his provocative introductory chapter, which by itself would make excellent assigned reading for seminars. By contesting the significance of the *coup d'état* of Brumaire as a rupture in the history of the period and arguing for the demarcation of a “new decade” from 1794 to 1804 based on the continuity of a “contingency” mode of resolving issues across the spectrum, Brown is essentially alone in endorsing the position initially advanced by Albert Soboul.[5] Like all such challenges, this assertion has not gone uncontested: participants at a conference recently held in Rouen tended to emphasize Brumaire as ushering in an era governed by the authoritarian principles of the Bonapartist regime.[6] Indeed, much of the recent scholarship which bridges the coup has looked at the provinces, harnessing new approaches to issues of public opinion and political culture to examine how Bonaparte’s *prise de pouvoir* was viewed outside of Paris, work which ultimately undermines Brown’s arguments.[7] One wonders if Howard Brown had intended that the individual contributions to this volume would support his theory: if so, he may be disappointed, for while they do indeed broaden our knowledge of the period, each chapter is primarily concerned with either the Directory or the Consulate, and there are no strong claims to continuity across the period outside of Brown’s introduction.

Nonetheless, challenges like Brown’s are essential to the process of rethinking assumptions. The level of scholarship in this volume is very high, and historians working on the Revolutionary and Napoleonic eras will appreciate the gathering together of so many well-argued papers by a generally young if firmly established group of scholars. Indeed, *Taking Liberties* is the result of a new generation of academic assessment of the period, and one which promises to reveal new perspectives on a period that we all thought we knew well—and which some of us, myself included—took for granted. And here ends my confession.

LIST OF ESSAYS

- Howard G. Brown and Judith A. Miller, “New Paths from the Terror to the Empire: An Historiographical Introduction”
- Howard G. Brown, “The Search for Stability”
- Jennifer N. Heuer, “Family Bonds and Female Citizenship: *Émigré* Women under the Directory”
- Judith A. Miller, “The Aftermath of the Assignat: Plaintiffs in the Age of Property, 1794–1804”
- Marie–Noëlle Bourguet, “Science and Memory: The Stakes of the Expedition to Egypt (1798–1801)”
- Rebecca L. Spang, “The Frivolous French: ‘Liberty of Pleasure’ and the End of Luxury”
- Rafé Blaufarb, “The Social Contours of Meritocracy in the Napoleonic Officer Corps”
- Ronald B. Schechter, “A Festival of the Law: Napoleon’s Jewish Assemblies”
- Michael D. Sibal, “Arbitrary Detention, Human Rights and the Napoleonic Senate”
- Annie Jourdan, “Napoleon and his Artists: In the Grip of Reality”

NOTES

[1] Although Desan's most recent book, *The Family on Trial in Revolutionary France* (Berkeley: University of California Press, 2004) would have been published too late for citation, Heuer certainly must have been aware of her work. Desan's earlier article, "What's After Political Culture? Recent French Revolutionary Historiography", *French Historical Studies* 23(1999): 163-196, makes a brief appearance well before Heuer's discussion of the historiographical debate. Lynn Hunt's *The Family Romance of the French Revolution* (Berkeley: University of California Press, 1992) similarly makes an appearance earlier in the footnotes but is not taken into account in Heuer's historiographical comments, and Olwen Hufton's work on the Directory period is not mentioned at all.

[2] Bourguet asserts (pp.92-3) that scholars have "scarcely broached the question" of the relationship between science, travel, and politics, a claim which she does not accompany with any references whatsoever, and which seems unlikely considering the recent work of Charles Coulston Gillespie and Michel Dewachter; see Gillespie and Dewachter, eds., *Monuments of Egypt: the Napoleonic edition. The Complete Archaeological Plates from la Description de l'Egypte* (Princeton, NJ: Princeton Architectural Press, 1987), introduction. Gillespie's new work would also be of interest to Bourguet in this regard: *Science and Polity in France: The Revolutionary and Napoleonic Years* (Princeton, NJ: Princeton University Press, 2004). In addition, her claim that Bonaparte was the first to apply the large-scale marine model of scientific exploration, with its associated institutional patronage, to a land expedition could use more substantiation (p. 95).

[3] Rebecca Spang and Colin Jones, "Sans-culottes, sans café, sans tabac. Shifting Realms of Necessity and Luxury in Eighteenth-Century France", in M. Berg and H. Clifford, eds., *Consumers and Luxury: Consumer Culture in Europe, 1650-1850* (Manchester: Manchester University Press, 1999), pp. 37-62.

[4] Ronald Schechter, *Obstinate Hebrews: Representations of Jews in France, 1715-1815* (Berkeley: University of California Press, 2003).

[5] Albert Soboul, *Le directoire et le consulat, 1795-1804* (Paris : Presses universitaires de France, 1967).

[6] Here I am paraphrasing Jeff Horn, who participated in the Rouen conference and discusses the challenge to Brown's position in his article, "Building the New Regime: Founding the Bonapartist State in the Department of the Aube", *French Historical Studies*, 25 (2002): 225-67. The conference proceedings themselves, while not easily available in North American libraries, were edited by Jean-Pierre Jessenne and published, as the third volume in the series *Du directoire au consulat, as Brumaire dans l'histoire du lien politique et d'État-nation* (Villeneuve-d'Ascq: ANRT, 2001). The conference proceedings have also recently been reviewed by Françoise Brunel in the *Annales historiques de la Révolution française*, no. 333 (juil.-sept. 2003): 194-99.

[7] Horn, "Building the New Regime", pp. 225-6 and 233-4.

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