

Emmanuel Joseph Sieyès

POLITICAL WRITINGS

Including the Debate between
Sieyès and Tom Paine in 1791

EDITED, WITH AN INTRODUCTION
AND TRANSLATION OF

What Is the Third Estate?

BY MICHAEL SONENSCHER

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WHAT IS THE THIRD ESTATE?

This translation is based upon the third edition of Sieyès' pamphlet, published, like the first two, in 1789. Sieyès' italicization of certain words has been retained, but his capitalization of words like "Nation," "Legislator," or "People" has been dropped unless the word is used to refer to a proper noun: e.g., the King, for Louis XVI, or the Nation, for the French nation.

What is the Third Estate?¹

“For as long as the philosopher does not stray beyond the bounds of truth, do not accuse him of going too far. His function is to mark the goal; he has, therefore, to reach it. If he were to dare to raise his standard while still on the road, the signal might mislead. The duty of the administrator, on the other hand, is to measure and adjust his step according to the nature of the difficulties. . . . If the philosopher has not reached the goal, he does not know where he is. If the administrator cannot see the goal, he does not know where he is going.”

¹This work, composed at the time of the Assembly of Notables in 1788, was published early in January 1789. It can be taken to be a continuation of the *Essay on Privileges*.

The plan of this work is quite simple. There are three questions that we have to ask of ourselves:

1. What is the Third Estate?—*Everything*.
2. What, until now, has it been in the existing political order?—*Nothing*.
3. What does it want to be?—*Something*.

First we will see whether these answers are correct. Meanwhile it would be wrong to brand truth as exaggeration until all the evidence has been seen. Next we will examine the measures that have been tried and those that should be taken to ensure that the Third Estate really does become *something*. Thus, we will show:

4. What ministers have *attempted* to do and what the privileged orders themselves now *propose* to do for its benefit.
5. What *ought* to have been done.
6. Finally, what *remains* to be done for the Third Estate to take the place which is its rightful due.

Chapter One

The Third Estate is a Complete Nation

What does a nation need to survive and prosper? It needs *private* employments and *public* services.

All the different kinds of private employment can be grouped into four classes:

1. Since land and water supply the primary materials for meeting basic human needs, the first class, in logical order, consists of all those families engaged in work on the land.

2. Between the initial sale of these materials and their final consumption or use, a new kind of handiwork, which may be either simple or complex, adds further amounts of additional value to these primary goods. Human industry thus has an ability to perfect the gifts of nature and increase the value of total production by double, tenfold, or a hundredfold. These form the activities of the second class.

3. Between production and consumption—as well as in the different stages of production—stand a mass of intermediate agents, useful to both producers and consumers. These are the merchants and dealers. Merchants, continually comparing variations in needs according to time and place, speculate on the profitability of storage and transportation. Dealers

sell either wholesale or retail directly to their customers. This kind of useful activity distinguishes the third class.

4. In addition to these three classes of industrious and useful citizens whose prime concern is with *objects* of use and consumption, a society also needs different kinds of individual activity and specialized services that are *directly* useful or agreeable to the *person*. This fourth class encompasses everything from the most distinguished liberal and scientific professions to the least esteemed domestic services.

These are the activities that support society. But who undertakes them? The Third Estate.

Public services can also, in present conditions, be grouped under four well-known headings: the army, the law, the church, and the administration. It would be superfluous to analyze them in detail to show that nineteen out of twenty of those employed in them are members of the Third Estate. The difference here is that they are also required to bear the whole burden of all the genuinely hard work, namely, all the things that the privileged order simply refuses to do. Lucrative and honorific offices alone are filled by members of the privileged order. Did they deserve them? If this was so, then the Third Estate must have been either unwilling or unable to fill them. We, however, know the real answer. Nonetheless, the privileged order has presumed to place an embargo upon the Third Estate. "However useful or talented you may be," the Third Estate has been told, "you will go so far and no further. Honors are not for the likes of you." Rare exceptions, noticed as they are bound to be, are no more than a mockery, and the language used on such occasions serves only to add insult to injury.

If this exclusion is a social crime, a veritable act of war upon the Third Estate, could it not at least be said to have some public utility? Ah! But surely we know the effects of monopoly? Besides discouraging those it excludes, does it not also ruin the abilities of those it favors? It is surely well enough known that the absence of free competition in work of any kind means that it will be done badly and cost more.

When any sort of public service is made the prerogative of a distinct order of citizens, has nobody considered that it is not simply the man who works who has to be paid but all those of the same caste who do not as well as the whole families of both those who work and those who do not? Has nobody noticed that as soon as a government becomes the property of a particular class, it swells beyond all measure, creating posts to meet the needs not of the governed, but of those who govern? Has nobody considered that although we basely—and, I would dare to say, *stupidly*—respect this state of affairs at home, we find it despicable, monstrous, destructive of all industry, inimical to social progress, degrad-

ing to the human race in general, and intolerable to Europeans in particular (etc. and so forth), when we encounter it in histories of ancient Egypt or in reports by travelers to India?² But we need to set such considerations aside. Although they might broaden and clarify the question, they will nonetheless slow the pace of the argument.³

Here it ought to be enough to have shown that the so-called utility of a privileged order for performing public service is no more than an illusion; that with no assistance from that order, everything arduous in providing that service is done by the Third Estate; that without a privileged order, the higher-level posts would be infinitely better filled; that they ought to be the natural prize and reward for recognized talent and service; and that if the privileged have succeeded in usurping every lucrative and honorific post, this is both an odious iniquity towards the generality of citizens and an act of treason towards the state.

Who then would dare to say that the Third Estate does not, within itself, contain everything needed to form a complete nation? It resembles a strong, robust man with one arm in chains. Subtract the privileged order and the Nation would not be something less, but something more. What then is the Third Estate? Everything; but an everything that is fettered and oppressed. What would it be without the privileged order? Everything, but an everything that would be free and flourishing. Nothing can go well without the Third Estate, but everything would go a great deal better without the two others.

But it is not enough to have shown that the privileged, far from being useful to the Nation, can only weaken and harm it; it is also necessary to prove that the noble *order*⁴ simply has no place at all in the organization of society—it may be a *burden* upon the Nation, but it cannot be part of it.

²On the subject of the Indian castes, see the *Histoire philosophique et politique des deux Indes*, Bk. 1. (*)

³We might, however, be allowed to point out the sovereign absurdity of claiming on the one hand that a nation is not made for its head and, on the other, of wanting it to be *made* for the aristocrats (namely, those of its members who disdainfully refuse to take any part in the useful work of other citizens or anything tiring in public affairs. A class of men like this is certainly a heavy burden to impose upon a nation! The countless abuses in public order, the poverty, distress, and servility of twenty-five million men amount to irrefutable factual proof of this).

⁴Here, I make no reference to the clergy. If it is taken to be a body entrusted with a public service, it belongs to the social organisation since every public service forms part of the government. When it is said that the clergy is a *profession*, not an *order*, clerics of the eleventh century and those who, for reasons of calculation, feign to be so, complain that this is to deny them their status. They are wrong. It is precisely because the clergy is a profession that it counts for something among us. If it was no more than an *order*, it would have no genuine status. The more progress that is made in the science of morality and politics,

Firstly, it is not possible to identify a place for a *caste*⁵ of nobles anywhere among all the elementary components of a nation. I know that there are individuals (all too many) whom infirmity, incapacity, incurable laziness, or the tide of moral dissolution have made strangers to all the activities involved in society. There are always exceptions to, and abuses of the rules, especially in a vast empire. But we ought to be able to agree that the fewer the abuses, the better ordered a state might be supposed to be. The most poorly-ordered state of all must be one in which not just a few isolated individuals but a whole class of citizens glories in remaining inert in the midst of the general movement and contrives to consume the better part of the product without contributing in any way to its production. A class like that is surely foreign to a nation because of its *idleness*.

The noble order is no less a stranger in our midst by virtue of its *civil and political* prerogatives.

What is a nation? It is a body of associates living under a *common* law, represented by the same *legislature*, etc.

But is it not obvious that the noble order has privileges and exemptions—which it dares to call rights—that are separate from those of the great body of citizens? As a result, it stands apart from the common order and the common law. Its own civil rights make it a people apart within the greater nation. It is truly an *imperium in imperio*.

As for its *political* rights, it also exercises these apart from the Nation. It has its own representatives, who are certainly not entrusted with any

the easier it is to see that a society contains only public or private professions. Beyond these, there is no more than nonsense, or dangerous illusions, or pernicious institutions. Thus, by asserting that the clergy should not be an order, the intention is not to place it below the nobility. It should not amount to an *order* because there should be no distinction of *orders* in a nation. If orders are to be allowed to exist, it would doubtless be better to grant that privilege to men who can show proof of sacerdotal election, rather than men whose only proof of their entitlement is a birth-certificate. One can, in the end, prevent someone with no talent or probity from joining the clergy, but it is rather more difficult to prevent someone from being born.

⁵That is just the word to use. It refers to a class of men who, having no function or any utility, nonetheless enjoy the privileges attached to their persons simply by dint of their existence. From this point of view, which is the true point of view, it may well be true that there is no more than one privileged caste, that of the nobility. It is quite genuinely a people apart, but it is a false people that, not being able to exist by itself, since it has no functioning organs, attaches itself to a real nation like one of those parasitic forms of vegetation that live off the sap of the plants that they exhaust and desiccate. The clergy, the law, the army, and the administration amount to four classes of public officials needed everywhere. Why, then, should they be accused of *aristocratism* in France? It is because the noble caste has usurped all the best positions, turning them into a kind of patrimonial property to be exploited, not in the spirit of social law, but for its private profit.

mandate from the people. The body of its deputies sits apart from them and, even if it were to gather in the same hall as the deputies of the ordinary citizenry, it would still be an essentially distinct and separate representative body. It would be foreign to the Nation first, by virtue of its *principle*, because its mandate did not come from the people, and second, by virtue of its *object*, because this consists in defending, not the general interest, but a particular one.

The Third Estate thus encompasses everything pertaining to the Nation, and everyone outside the Third Estate cannot be considered to be a member of the Nation. What is the Third Estate? EVERYTHING.⁶

Chapter Two

What Has the Third Estate Been until Now? Nothing.

We will not examine the state of servitude in which the people have suffered for so long, any more than the condition of constraint and humiliation to which they are still confined. Their civil condition has changed and ought to change still more. It is absolutely impossible for the whole body of the Nation, or even one of its particular orders, to be free unless the Third Estate is free.

⁶A worthy author has aimed to be more precise. (*) He has said that “the Third Estate is the nation *less* the clergy and the nobility.” I must confess that I would never have found the force of intellect to have announced that great truth. Someone might come along and say, “the nobility is the nation *less* the clergy and the Third Estate; the clergy is the nation *less* the Third Estate and the nobility. These are, to be sure, geometrically demonstrable propositions. I must beg your pardon; but if your aim was to do more than express a naïve truism; if you had already conceived of what a nation is, what its integral parts might be and how these consist of no more than public and private activities, and how the Third Estate is all that is needed for the performance of all these tasks; if you had been able to see that the benefit that the state is able to draw, in this regard, from a privileged caste, is excessively ruinous; if you had seen that all the errors and misfortunes which afflict—and will continue to afflict—the French nation are connected to these wretched privileges; if you know that a monarchy, like every other kind of political regime, needs no more than rulers and subjects; that a caste which the most stupid of prejudices has allowed to usurp every post and live off its privileges will soon give us no more than rulers governing despotically and subjects obeying rebelliously; and that this will be the heaviest burden that Heaven in its wrath might ever have imposed upon a people; and that it will become an almost insurmountable obstacle to any project for restoring justice and any progress towards social order; if, I repeat, your mind had quickly grasped all these truths, and thousands of others of equal relevance to our subject, why then have you not been able to come out and say clearly that the Third Estate is everything? How could you have been able to conclude a sequence of steps like that with the cold corollary, “the Third Estate is the nation *less* the clergy and the nobility”?

Freedom does not derive from privilege but from the rights of the citizen, rights which belong to all.

If the aristocrats were to try to keep the people in a state of oppression, even at the price of that liberty of which they would have shown themselves unworthy, the people will still dare to demand why they might be entitled to do so. If, in reply, they were to invoke a right of conquest, it would have to be conceded that this amounts to wanting to go back a little far.(★) But the Third Estate should not be afraid of going back to such distant times. All it needs to do is to refer to the year before the conquest, and since it is strong enough now not to be conquered, its resistance would doubtless be effective enough. Why not, after all, send back to the Franconian forests all those families still affecting the mad claim to have been born of a race of conquerors and to be heirs to *rights of conquest*?

Thus purged, the Nation might, I imagine, find some consolation in discovering that it is made up of no more than the descendants of the Gauls and Romans. Indeed, comparing lineage for lineage, might there not be some merit in pointing out to our poor fellow citizens that descent from the Gauls and the Romans might be at least as good as descent from the Sicambrians, Welches, and other savages from the woods and swamps of ancient Germania?(★★) “Yes,” some might say, “but the conquest disrupted all relationships, causing hereditary nobility to be transferred to the descendants of the conquerors.” Well and good! We shall just have to transfer it back again. The Third Estate will become noble again by becoming a conqueror in its turn.

But if all lines of descent are mixed, if the blood of the Franks (hardly worth more in its pristine separateness) is indistinguishable from the blood of the Gauls, and if the ancestors of the Third Estate are the fathers of the whole Nation, can we not hope one day to see an end of that long-drawn-out parricide proudly carried out every day by one class against all the others? Why should not reason and justice, which may one day be motives as strong as vanity, press the ranks of the privileged, moved by a new, more true, and more social interest to seek their *rehabilitation* within the order of the Third Estate?

Let us pursue the object of the argument. The Third Estate has to be understood as the totality of citizens belonging to the common order. Whoever has a legal privilege of whatever kind has deserted the common order to form an exception to the common system of law and consequently does not belong to the Third Estate. As has been said, a nation is made *one* by virtue of a common system of law and a common representation. It is only too true, however, that a man is a *nobody* in France if he has no more than the common system of law to protect him. Without

some sort of connection with privilege, one has to resign oneself to scorn, injury, and every kind of harassment. To avoid being entirely crushed, what can an unfortunate non-privileged person do? He has to attach himself to some magnate by every sort of base means; to buy, for the price of his values and human dignity, the capacity to call, when necessary, upon the protection of a *somebody*.

But we need to consider the order of the Third Estate less in relation to its civil state than in relation to the constitution. Let us see what part it stands to play in the Estates-General.

Who have been its so-called representatives? Men who have been ennobled or were granted temporary privileges for a term. These spurious deputies have not always even been freely elected by the people. At some meetings of the Estates-General and almost every meeting of the provincial estates, representing the people has been regarded as a right attached to certain offices or duties.(★)

The old nobility abhors new nobles. It allows them to sit among them only if they can prove, as the phrase goes, four generations and a hundred years.(★★) In this way it pushes them back towards the order of the Third Estate to which, obviously, they no longer belong.⁷

But in the eyes of the law, all nobles are equal—those made so yesterday just as much as those who have been more or less successful in concealing their origins or usurpation. All of them have the same privileges. Opinion alone makes a distinction between them. But if the Third Estate has to put up with a prejudice sanctioned by the law, it has no reason to submit to one that is contrary to the letter of the law.

Let new nobles be treated in any manner of different ways. What is certain is that once a citizen acquires privileges contrary to the common system of law, he no longer belongs to the common order. His new in-

⁷The vanity of old has here given way to a more considered interest. In the parts of the kingdom without estates, the nobility of the bailiwicks has come to see how unwise it might be to irritate the new nobles and force them from spite to side with the Third Estate. Those parts of the kingdom with estates adopted this clumsy tactic, and experience has shown that it was a mistake.(★★★) So there has been a change of course. It has now been decided to allow all those whose nobility is *transmissible* to be admitted to the nobility, so that several of those who would have been placed among the Third Estate in areas with estates and in the provincial assemblies will be admitted to the order of the nobility in the bailiwicks and the Estates-General. But what meaning can this distinction between nobles who can and cannot *transmit* possibly have? What it actually means is that if they cannot *transmit* nobility, then this will affect their children. But it is hardly a question here of whether we should allow children whose fathers have not transmitted nobility to them to deliberate in our assemblies. All that is at issue here is the fact that their fathers were able to acquire, by virtue of a patent, what they have not as yet been able to acquire for their progeny. Their *persons* are noble. Their *persons* should therefore be admitted to the nobility.

terest is opposed to the general interest. He is unfit to vote in the name of the people.

This irrefutable principle also entails excluding the holders of temporary privileges from representing the Third Estate. Their interest is also more or less inimical to the common interest, and even though opinion might place them in the Third Estate, and the law is silent as far as they are concerned, the nature of things, stronger than both opinion and the law, incontrovertibly sets them outside the common order.

But suppose it was to be said that wanting to remove temporary members of the privileged order from the Third Estate as well as those with hereditary privileges is tantamount to wanting to weaken that order by light-heartedly depriving it of its most enlightened, courageous, and valued members?

The last thing I wish to do is to diminish the strength or dignity of the Third Estate because to my mind the Third Estate is always identical to the idea of a nation. But whatever our motives may be, can we act as if the truth were not the truth? If an army has had the misfortune to see the best of its soldiers desert, should it still entrust them with the defense of its camp? It cannot be said too often that every privilege is the opposite of the common law. As a result, all those endowed with privileges, without exception, constitute a class that is separate from and opposed to the Third Estate. At the same time, I must point out that this truth need not alarm the Friends of the People. On the contrary, it brings us back to the higher national interest, because it emphasizes the need to suppress at once all temporary privileges⁸ that serve to divide the Third Estate and seem to condemn it to place its destiny in the hands of its enemies. This remark should not, moreover, be separated from the following. The abolition of privileges within the Third Estate should not mean that it should lose those exemptions which some of its members enjoy. These exemptions are no more than the entitlements of common right, and it has been a sovereign injustice to deprive the main body of the people of them. Thus what I am calling for is not the loss of a right, but its restitution;⁹ and if it is claimed that it would become impossible to meet a public need by making some privileges common to all—by, for example, making

⁸Some municipal officials, the procurators attached to the *présidial* court of Rennes, etc., have already set a fine example by renouncing all exemptions and privileges that set them apart from the people. (*)

⁹It is certain that a community of privileges is the best way to bring the three orders closer together and prepare the most important law of all—the one which will convert the three orders into *one* nation.

everyone exempt from going into the ballot for the militia¹⁰ —I can only reply that every public need ought to be everybody's responsibility, not that of a particular class of citizens, and that one would have to be entirely unacquainted with both reason and equity to be unable to find a more national way of adding the final detail to, and maintaining, whatever kind of military establishment one might wish to have. (*)

Thus, either because they were not elected at all; or because they were not elected by the general membership of the Third Estate of the towns and the rural areas entitled to be represented; or because, since they held privileges, they were not even eligible; the so-called deputies of the Third Estate who put in appearances at past Estates-General had no true mandate from the people.

Occasionally some seem to be surprised to hear complaints about a threefold aristocracy, made up of the army, the church, and the magistracy. They would rather prefer to insist that this is no more than a figure of speech. But it ought to be taken quite literally. If the Estates-General really is the interpreter of the general will and has possession of the legislative power, then it is surely the case that you will have a genuine aristocracy if the Estates-General is no more than a *clerico-nobili-judicial* assembly.

Add to this horrifying truth the fact that in one way or another every branch of the executive power has fallen into the hands of the caste from which the church, the magistracy, and the army are recruited. A sort of fraternity or spirit of *connivance* makes nobles give preference to one another on every issue over the rest of the Nation. Usurpation has been consummated. They really do reign.

If you study history to check whether the facts agree or disagree with this assertion, you will discover, as I did, that it is a great mistake to believe that France is, or has been, subject to a monarchical form of government. Take away a few years under Louis XI, under Richelieu, and a few moments under Louis XIV, when all that can be seen is undiluted despotism, and you will find yourself reading the history of a *palace* aristocracy. It is the court that has reigned, not the monarch. It is the court that makes and breaks careers, that summons and dismisses ministers, that creates and distributes offices And what is the court if not the head of that immense aristocracy that has spread itself over every part of France,

¹⁰I cannot avoid expressing some astonishment at the fact that gentlemen are exempt from the ballot for the militia! It seems to show a very haughty disdain for the only reason given in support of so many antiquated pretensions. It is hardly usual to expect payment as the price of *blood shed for the king*. M. Cérutti's remark has managed to mark that eternal refrain with an indelible scorn: "Was, then, the blood shed by the people mere water?" (**)

whose limbs touch everything and perform every kind of essential public function? This is why the people, in their complaints, have grown accustomed to distinguish between the monarch and the agents of power. They have always held the King to have been so completely misled and so utterly defenseless against an active and all-powerful court that they have never thought to blame him for all the evil done in his name. Is it not enough simply to open our eyes to what is happening at this very moment? What can we see? The aristocracy on its own, simultaneously fighting against reason, justice, the people, the minister, and the King. The outcome of this terrible struggle is still uncertain. Can it still be said that an aristocracy is no more than a chimera!

To sum up: Until now, the Third Estate has never had genuine representatives in the Estates-General. Thus its political rights are null.

Chapter Three

What Does the Third Estate Want? To Become Something.

The Third Estate's demands are not to be measured in terms of the isolated observations made by the small number of authors who are more or less acquainted with the rights of man. The Third Estate is actually still remarkably backward in this respect, not only in comparison to what has come to be envisaged by those who have studied the social order but even to the mass of ordinary ideas that have come to form public opinion. Any evaluation of what the Third Estate has actually been calling for has to be based only upon the procedurally authenticated demands addressed to the government by the great municipalities of the Kingdom. (★) What do they reveal? That the people would like to become *something*, but in truth, not very much at all. It would like to have (1) genuine representatives at the Estates-General, namely deputies *drawn from its own order*, entitled to interpret its will and to defend its interests. But what would be the point of attending the Estates-General if the interest that is contrary to the Third Estate is to remain predominant? All that its presence would do would be to set a seal of legality upon the oppression to which it will remain eternally victim. Thus it is very obvious that any delegation by the Third Estate should not go to vote in the Estates-General unless it has *an influence at least as great as that of the privileged orders*. Therefore, the Third Estate has also demanded (2) a number of representatives equal to that of the two other orders together. Finally, since equality of representation of this kind would be entirely illusory if each chamber is to vote separately, the Third Estate has demanded (3) that votes should be taken

by counting heads, not by counting each separate order.¹¹ This, in substance, is all that is to be found in claims that seem, nonetheless, to have thrown the privileged orders into a state of alarm. On the strength of no more than this, the great municipalities have imagined that the reform of abuse will become inevitable.

The Third Estate's modest aim is to have an influence *equal* to that of the privileged orders in the Estates-General. I repeat, can it demand anything less? It ought to be clear that if its influence is less than equal, it cannot expect to emerge from its present state of political nonentity and become *something*.

But what is really lamentable is that the three articles forming the Third Estate's demands are simply not enough to give it that equality of influence that it genuinely cannot do without. It may well obtain an equal number of representatives drawn from its own order, but that equality will be quite vain for as long as the influence of the privileged orders has a presence and an ability to be predominant even in the sanctuary of its own chamber. Where are the gifts of office, position, and benefices to be found? Who is in need of favor and protection, and who has the power to bestow them? The mere thought is enough to make every Friend of the People tremble.

Is it not the case that those commoners whose talents seem to make them most apt to defend the interests of their own order were raised with an enforced or superstitious respect for the nobility? It is well known how generally inclined men are to adopt habits to suit what is of use to them. Man's constant concern is to improve his lot, and when individual industry cannot proceed by using honorable means, it will stray quite readily from the right path. We have all read how among some of the peoples of the ancient world, children learned not to expect a meal until they had performed some violent or skilful exercise. This was the way to teach them how to excel. In our case, the most able members of the Third Estate have been forced to earn their keep by learning flattery and by devoting themselves to the service of powerful men, a less honorable or social sort of education than antiquity supplied but one that is every bit as effective. This wretched part of the Nation has come to inhabit a kind of vast antechamber, where, constantly on the alert for what its masters might say or do, it is always ready to sacrifice everything to the fruits

¹¹According to the decisions made in the Royal Council of 27 December 1788, the second of these demands has been *granted* even though no clarification has been given on the third, and the first has simply been rejected.^(*) But it must be obvious that none of these demands can be met unless all three go through together. They amount to a whole. Nullifying one amounts to destroying them all. Further below, we will say who is entitled to decide everything affecting the constitution.

promised by the happy coincidence of being able to find favor. In the light of manners like these, is it groundless to fear that the qualities most needed for the defense of the national interest have been prostituted to the defense of prejudice? Aristocracy's boldest supporters may well be found within the Third Estate, among men born with much wit and little merit, as incapable of feeling the value of liberty as they are avid for fortune, power, and the favors of the great.

In addition to the empire exercised by an aristocracy that, in France, disposes of everything and the one generated by a feudal superstition that is still capable of debasing most minds, there is also the influence of property. This last is natural, and I would not wish to have it proscribed. But it has to be admitted that its influence still favors the privileged orders and that it is right to fear the power which that influence is likely to give them against the Third Estate. The municipalities have believed all too readily that the influence of privilege could be eliminated simply by excluding privileged persons from the people's representatives. But where in the countryside, or anywhere else for that matter, is there not a seigneurial landowner with even a modicum of popularity who does not have a large number of the commoner sort of people at his disposal? Think about the consequences and repercussions of this initial degree of influence, and then try to reassure yourself, if you can, about its possible impact upon an assembly that may well be far removed from these primary electoral assemblies but will still consist of a combination of those initial elements.(★) The more thought one gives to the subject, the more inadequate the three demands of the Third Estate begin to seem. Yet, such as they are, they have still been attacked with great violence. The pretexts for such malevolent hostility call for some examination.

§ 1

The Third Estate's First Demand

That the representatives of the Third Estate are to be chosen only from citizens who truly belong to the Third Estate.

We have already explained that it is necessary either to be untainted by any kind of privilege or to be completely and immediately purged of any such blemish to belong truly to the Third Estate.

The robe nobility, having acquired noble status by way of a door that, for mysterious reasons, they have decided to close,¹² would very much

¹²They say that henceforth they would like to be *well-assorted* and, to this end (one that leads to pride by way of humility, since it presupposes that they were once *badly-assorted company*), they have adopted a measure making every judicial and administrative office be-

like to take part in the Estates-General.(*) Their reasoning runs as follows: “Since the nobility wants no part of us, while we want no part of the Third Estate, it would be better by far to form a separate order. But we cannot. What then can be done? The only course is to preserve the ancient abuse allowing nobles to represent the Third Estate. Doing this will enable us to satisfy our desires without losing our pretensions.” Every new noble, whatever his origin, has rushed to repeat the same view, namely, that the Third Estate should be able to elect gentlemen. The old nobility, which calls itself the true nobility, does not have the same interest in preserving this abuse. But it knows how to calculate. “We (it reasons) will be able to put our children into the commons; all in all, entrusting us with the task of representing the Third Estate is an excellent idea.”

It is always possible to find a reason for what one has already decided to do. So it is now apparently necessary to maintain ancient *usage*, that excellent usage that until now positively excluded the nobility from representing the Third Estate! But the order of the Third Estate has political as well as civil rights. It ought to exercise both the one and the other all by itself.¹³ It is quite extraordinary to make a *distinction* between the three orders to promote the utility of the first two and the misfortune of the third and then to make a demand that they should be *conflated* as soon as this looks useful to the two privileged orders and detrimental to the Nation. What kind of usage is being preserved if it is possible for clerics and nobles to lay claim to the chamber of the Third Estate! Could they in good faith claim to be represented if the Third Estate were to usurp the delegation representing their orders?

To show what is vicious in a principle, it is allowable to take its consequences to their furthest extreme. By using this method, I could say that if all the members of the three estates were allowed to give their proxy to whomsoever they pleased, it would be possible for the assembly to be made up of the members of no more than a single order. But would it be acceptable for the clergy alone to represent the whole nation?

I could go further. After entrusting the confidence of all three estates to a single order, why not give the mandate of all the citizens to a single individual? Is it possible to claim that a single individual could replace the Estates-General? If a principle entails such absurd consequences, it has to be vicious.

Another argument is to claim that restricting the electorate’s choice is to violate its freedom to select whomever it prefers. There are two answers to this so-called problem. The first is that it is a difficulty that has

long almost exclusively to the families that possess them now. Recall what was said above about the aristocratic avidity for power.

¹³This principle is of the highest importance. It will be developed below.

been raised in bad faith and this can be proved. Nobody is unaware of a seigneurial landowner's ability to dominate the peasants and other country dwellers; everybody knows about the possible or habitual intrigues of their numerous agents, including the officers of their manorial courts. Any seigneur with a mind to influence a primary election can generally be sure to be elected to a *bailliage* assembly, where the choice will be purely among nobles themselves or among those deemed to merit their entire confidence. (★) It is hard to believe that keeping this power to surprise and abuse the people's trust is designed to secure its liberty. It is disgraceful to hear the sacred word "liberty" profaned when it is used to conceal designs that are the most opposed to it. The electorate should undoubtedly be free. That is why it is necessary to rid the primary electoral assemblies of all those privileged individuals who are all too accustomed to their imperious domination of the people.

My second reply is direct. Freedom and rights can never be unlimited in any area whatsoever. In every country, the law specifies the character of those entitled to be electors and to be elected. Thus, for example, the law determines the age below which it is impossible for anyone to be able to represent his fellow citizens. Everywhere too, women are deemed, for better or worse, to be ineligible for this kind of mandate. It is equally certain that a beggar or a vagabond cannot be given a people's political trust. Are domestic servants, or anyone dependent on a master, or non-naturalized foreigners ever to be found among the representatives of a nation? Like civil liberty, political liberty also has its limits. The question here is simply whether the requirement of non-eligibility demanded by the Third Estate is as essential a stipulation as all those just mentioned. Comparison between them actually serves to favor the claim, because a beggar or a foreigner may well have no interest opposed to the interest of the Third Estate, while nobles or clerics will, by virtue of their estate, be bound to incline towards the privileges they enjoy. Thus of all the conditions that the law should apply to the choice of representatives, the condition of non-eligibility demanded by the Third Estate is the one which is the most important and the most in keeping with equity and the nature of things.

To make the force of this argument clear, imagine this hypothesis: Suppose that France is at war with England and that everything to do with the conduct of hostilities is handled, as far as we are concerned, by an executive directory made up of elected representatives. Would we, in these circumstances, allow any of our provinces to choose their deputies to this directory from among members of the English ministry under the specious pretext of not wanting to violate their liberty? But it is obvious that the privileged orders have shown themselves to be no less of an enemy of the common order than the English have been to the French in time of war. Here is an-

other conjectural image, drawn from the many crowding into my mind. If there were a general diet of all the maritime peoples to establish freedom and security for navigation, do you think that Genoa, Leghorn, or Venice would choose their plenipotentiary ministers from among the Barbary pirates or that the law allowing rich foreigners to buy or acquire a vote at Genoa was a good one? I do not know whether this last comparison is exaggerated, but it serves the purpose of my argument. In any event, like everyone else, I hope that, since the light of reason cannot exist for long without having some effect, the day will come when aristocrats will cease to show themselves to be the Barbary pirates of France.

As a consequence of these principles, those members of the Third Estate who are too closely connected to members of the first two orders should not be entrusted with the commons' confidence. It has already been established that their dependent position makes them ineligible. But without a formal exclusion, the influence of the seigneurial landowners, having become useless for themselves, cannot but be used to favor those they have at their disposal. It is particularly important to pay careful attention to the large number of agents of feudalism.¹⁴ It is to the odious remains of that barbarous regime that, to the continuing misfortune of France, we owe the existing division of the country into three orders, enemies to one another. All will be lost if the mandatories of feudalism were to usurp the common order's delegation. Everyone knows that servants are harsher and more enterprising in defending their masters' interests than their masters themselves. I am well aware that this proscription encompasses a large number of people, because it concerns all the officials of the seigneurial courts,¹⁵ etc. But here necessity has to command.

Here the province of Dauphiné has set a notable example.(★) It is essential to do as it has done and divest tax officials and their guarantors, to—

¹⁴The countryside is still being ravaged by the numberless vexations of these agents. One could say that the privileged order has a tail that is as noxious as itself. People are no less burdened by it than by the many arms of the fiscal system, all of which suggests that it is not beyond the bounds of possibility for the aristocrats to dare to make a show of so much misery by suggesting to the people that its true enemies are in the Third Estate, as if the lackeys of feudalism and anyone attired in livery of any kind and living in dependence on the aristocracy truly belongs to the Third Estate. It is only too true that the most dangerous of the people's enemies are to be found among those classes that have no attachment to the national interest, even though it is not by invoking the name of an *order* that the defenders of privilege normally use them for hire. There are terrible examples, in France, Holland, and everywhere else of the natural coalition between the lowest class in society and the privileged orders. To be plain, the mob belongs to the aristocracy in every country in the world.

¹⁵It is hard to imagine anything more opposed to sound politics than *patrimonial jurisdictions*. We owe it to scholars of jurisprudence for raising them as high as they could from the wreckage of feudal anarchy, for dressing up this sinister scaffolding with the appearance

gether with administrative officials, etc. of eligibility to represent the Third Estate. I also think that the farmers of land belonging to the first two orders are, in their present condition, too dependent to be able to vote freely in favor of their own order. But am I not entitled to hope that legislators will one day be sufficiently enlightened towards the interests of agriculture, *citizenship*, and public prosperity to be able to stop confusing the work of government with fiscal rapacity? Then every farmer will hold, and be encouraged to hold, a *life tenancy*, and we in turn will come to see these precious farmers as simple freeholders who will certainly be eminently fit to uphold the nation's interests.¹⁶

of legal forms, and, perhaps, for setting yet newer traps. One has to have a singular idea of *property* to conflate it with a *public function* and be able, in a country which is said to be so monarchical, to see without astonishment the royal sceptre shattered into a thousand pieces and thieves transformed into legitimate owners. It surely ought to have been possible to see how far something quite the opposite of genuine property, namely the *right* to do harm to someone else, could have insinuated itself under the guise of that indeterminate word "property." Can any kind of possession, however long it may have been, legitimate such disorder? Here, we are no longer talking about public functions that can certainly never become the property of any individual nor be disassociated from sovereign duty. I am rather talking about manifest usurpations of *common* liberty and property. I would like to have it explained to me what something called a *seigneur* is and why such an entity has to have *vassals*. Can such metaphysical relationships (here I am not concerned with real or monetary obligations) have anything to do with a proper political association? It is certainly possible that the term *proprietary* ward can encompass genuine acts of theft—thefts which cannot be covered by prescription. Imagine that in the absence of any system of police, Cartouche had made himself master of a high road.^(*) Would he be entitled to exercise a genuine right of toll? If he had had the time to sell this kind of monopoly which was once quite common to a purchaser acting in good faith, would his so-called right be any the more respectable in the hands of the purchaser? Why is it the case that restitution is usually seen as something less just or more difficult than theft? There are, in the third place, possessions that do have a legal origin but that can nonetheless be said to be harmful to the public establishment. The owners of these may well be rightly entitled to expect an indemnity, but they should still be abolished. Once this entirely necessary and just work of political sifting has been done, we will then be able to fall to our knees before the sacred name of *property*, and do not imagine that he who has the least is less interested in this than he who has the most. Above all, do not imagine that denouncing property which is false amounts to attacking true property.

¹⁶Any aristocrat wanting to joke about what he calls the pretensions of the Third Estate always affects to confuse that order with his saddlemaker, shoemaker, and the like, adopting a language that he imagines is most likely to inspire scorn for the people he is referring to. But why should the most humble of trades dishonour *the order of the Third Estate* when they do not dishonour a *nation*? . . . On the other hand, when attempts are made to sow division within the Third Estate, they are all too ready to point out differences between its various component classes. They would love to excite and set the one against the other, the inhabitants of the towns against those of the countryside. They seek to set the poor against the rich. How many stories could be told about the elegant features of refined hypocrisy, if it was allowable to say everything! But try as you can, men are not divided by differences of profession, or fortune, or education, but by interest. And as far as the present

To magnify the problem that we have just destroyed, it has been said that the Third Estate does not have enough enlightened or courageous, etc. members to represent it. This ridiculous assertion does not deserve a reply. Consider the *available* (*disponible*) classes within the Third Estate (and like everyone else, I take available classes to mean those with the kind of ease that enables a man to be given a liberal education, to cultivate his reason, and to take an interest in public affairs). These classes have no other interest than that of the rest of the people. Look and see whether they do not contain a sufficient number of educated and honorable citizens, all eminently well-qualified to be good representatives of the Nation.

But what if a *bailliage* is determined to give the Third Estate's mandate to a noble or a cleric if, it claims, it only has confidence in him?

I have already said that there cannot be any unlimited freedom and that, of all the conditions to be imposed upon eligibility, the one demanded by the Third Estate is the most essential of all. But there is also a more direct reply. Suppose that a *bailliage* is absolutely determined to harm itself. Should it then have a right to harm the others? If I alone have an interest in the actions of my authorized agent, it might indeed be possible to say, "So much the worse for you, why did you make such a bad choice?" But here the deputies of a district are not only the representatives of the *bailliage* that elected them. They also have to represent the generality of citizens and vote for the entire Kingdom. There has, therefore, to be a common rule and a common set of conditions, however displeasing they may be to some electors, to offer reassurance to the totality of the Nation against the vagaries of a few electors.

§ II

The Third Estate's Second Demand

That the number of its deputies is equal to those of the two privileged orders.

I cannot avoid repeating that the timid inadequacy of this demand is still too redolent of a bygone age. The Kingdom's great cities have not paid enough attention to the progress of enlightenment or even that of public opinion. They would have met with no more substantial resistance if they had demanded two votes for every privileged vote, and perhaps some haste would then have been made to offer them that equality which is now being opposed with such vigor.

question is concerned, there are but two: the interest of the privileged classes and that of the non-privileged. All the classes making up the Third Estate are bound together by a common interest against the oppression of privilege.

To determine a question like this, it is not enough, moreover, to be satisfied, as is often the case, with taking one's desire, or will, or usage for a reason. Recourse has to be made to principles. Political rights, like civil rights, must belong to those endowed with the qualities of citizenship. The ownership of legal entitlements of this kind is the same for everyone, irrespective of the different amounts of real property making up every individual's fortune or the assets they enjoy. Every citizen able to meet the requisite conditions to be an elector has a right to give himself a representative, and his own representation cannot be a fraction of someone else's representation. The right in question is indivisible. It is exercised equally by all, just as everyone is equally protected by the law they contribute to make. How then can it be possible to claim, on the one hand, that the law is the expression of the general will (meaning the majority) and, on the other, pretend that ten individual wills can balance a thousand others? This must amount to running the risk of leaving a minority to make the law, something that is obviously contrary to the nature of things.

If these principles, however well founded they are, seem to be a little too far-removed from ordinary ideas, I could draw the reader's attention to a more recognizable comparison. Is it not true that everyone agrees that it seems right for the huge *bailliage* of Poitou to have a larger number of representatives at the Estates-General than the tiny *bailliage* of Gex? Why is this so? Because, it is said, the population and tax-contribution of Poitou are much bigger than those of Gex.(*) So, there do seem to be principles that can be applied to determining the proportion of representatives. Should the tax contribution be the determining principle? Although we have no exact knowledge of how much each order pays, it leaps to the eye that the Third Estate bears over half of the tax burden.

As far as population is concerned, it goes without saying that the third order is enormously larger than the first two. Like everyone else, I do not know what the real proportion may be. But, like everyone else, I can be allowed to make my own estimation.

First, take the <i>clergy</i> . We know that there are 40,000 parishes, including their annexes. This immediately gives the number of parish priests, including those serving the annexes:	40,000
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On average, there is one vicar to every four parishes, i.e.,	10,000
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The number of cathedrals is the same as the number of dioceses. With an average of twenty canons per diocese and including the 140 bishops or archbishops,	2,800
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The number of collegial canons can be estimated to be about double this, or	5,600
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After this, it should not be assumed that there remain as many ecclesiastical heads as there are abbeys, simple benefices, priories, and chapels. It is well known that simony, or pluralism of benefices, is not unheard of in France. Bishops and canons are often also abbots, priors, or chaplains. To avoid double-counting, I estimate that, excluding those already enumerated, the number of beneficiaries is

3,000

Finally, I suppose a total of 3,000 ecclesiastics in holy orders without any kind of benefice:

3,000

All that remains are the monks and nuns, whose number has fallen at an accelerating rate over the past thirty years. I do not believe that there can be more than seventeen thousand today:

17,000

Total number of ecclesiastical heads: **81,400**

Nobility. I know only one way to arrive at the number of individuals in this order. This is to take the province where the number is best known and to compare it to the rest of France. Brittany is the province in question, and I ought to say at the outset that it is more fecund in nobles than the others, both because derogation does not occur there and because of the privileges that serve to keep families resident in the province.(*) In Brittany there are 1,800 noble families. I suppose that there are 2,000, because some do not yet have a right to belong to the provincial estates. Assuming that each family consists of five persons, there are 10,000 nobles of every age and both sexes in Brittany. Its total population is 2,300,000 individuals. That ratio of that total to the population of France is of the order of 1: 11. This implies multiplying 10,000 by 11 to give a total of 110,000 nobles at the most for the entirety of the kingdom:

110,000

Thus, in total, the first two orders contain no more than 200,000 privileged individuals.¹⁷ Compare that number to twenty-five or 26,000,000 souls and then decide.

¹⁷To make a further comment, if one deducts the monks and nuns but not the convents from the total number of ecclesiastics, it can be estimated that there is a remainder of about 70,000 genuine taxpaying citizens qualified to be *electors*. As for the nobility, if you deduct the women and the non-taxpaying children as non-*electors*, there remain barely thirty to forty thousand citizens with the same quality. It follows that, in terms of the representing

To reach the same conclusion by following other equally indisputable principles, imagine that the relationship between the privileged orders and the great body of citizens is like the relationship between exceptions and the law. Every society has to be ruled by common laws and to be subject to a common order. If there have to be exceptions, they should also be rare, and in no case should an exception have the same weight or influence in public affairs as the common rule. It is utterly insane to set exceptional interests alongside the great interest of the national mass, as if there can be any kind of balance between the two. This will suffice for

the nation, the clergy amounts to a more substantial mass than the nobility. The point of making this comment is that it runs directly against the flood of contemporary prejudices. I cannot genuflect before an idol. Even if the Third Estate, moved by blind animosity, were to applaud an arrangement by which the nobility was to obtain twice as many representatives as the clergy, I would still have to tell it that it has failed to consult either reason, justice, or its own interest. Is the public truly incapable of seeing anything except through the prism of prevailing prejudice? What is the clergy? A body of mandated officials entrusted with responsibility for the functions of education and worship. Change its internal administration; reform it in one way or another. But in one form or another it will still be necessary. As a body, it is not an exclusive caste but is open to any citizen. Its establishment costs nothing to the state. It is enough to work out how much it would cost simply to pay the parish priests to be horrified by the additional tax burden that the despoliation of ecclesiastical goods would entail. As a body, moreover, it is one that cannot avoid having a corporate nature because it is part of the hierarchy of government. The nobility, on the other hand, is an exclusive caste that is separate from a Third Estate that it affects to despise. It is not a body of public officials. Its privileges apply to individual persons independently of any office. Nothing other than the law of the strongest can justify its existence. While the clergy is losing privileges by the day, the nobility is preserving its own. In fact, it is adding to them. Is it not the case that we have witnessed in our own time that ordinance requiring *proof* to enter the army—*proof*, that is, not of talent or a favourable inclination but *proof on parchment* excluding the Third Estate from being able to serve! The parlements may well look as if they were created deliberately to maintain and uphold the people against seigneurial tyranny, but the parlements seem to have decided to change their role. Just recently, without any justification, they have made a gift in perpetuity of every office of councillor or presiding magistrate to the nobility.^(*) At the time of the Assembly of Notables of 1787, the nobility also obtained a right to share in presiding over the provincial and any other assemblies with the clergy, and by demanding that the right to preside be shared, it succeeded in excluding the Third Estate that had, however, also been invited to do so by the Ministry. To add insult to injury the Third Estate was compensated by being given an exclusive right to elect presiding officers from the first two orders! In the last analysis, which of the two orders does the Third Estate have most to fear? One that is growing weaker by the day, nineteenth-twentieths of whose members are made up of its own order? Or one that, at a time when privileged individuals seemed to want to revert to the common order, is aiming instead to distinguish itself even more strongly from that very same common order? When parish priests come to play the part in the clergy's affairs that will be entailed by the nature of things, the Third Estate will come to see how essential to its interest reducing the influence of the nobility rather than the clergy should have been.

now, but we will have more to say on this subject in the sixth chapter. In a few years time, when the objections now being made to the all-too-modest demands made by the Third Estate come to be remembered, there will be astonishment at both the specious character of the pretexts that were invoked and, even more, at the bold iniquity which dared to invoke them.

Those who seek to invoke the authority of facts to oppose the Third Estate can, if they are in good faith, readily read about facts that ought to guide their conduct. All that was needed to form a chamber of commons in the Estates-General held under Philip the Fair was the existence of a small number of boroughs (*bonnes villes*).(*)

Since that time, feudal servility has disappeared, and the countryside has yielded up an increasing population of *new citizens*. Towns have increased and grown in size. There, trade and the arts have, so to speak, created a multiplicity of new classes, including a large number of opulent families, rich in well-educated and public-spirited men. Why has this twofold increase, greater by far than the original weighting in the national balance that the boroughs once had, not been matched by an undertaking by the same royal authority to create two new chambers in favor of the Third Estate? Equity and sound policy join together to demand it.

No one would dare to appear to be so unreasonable when dealing with another kind of increase that occurred to France, namely the new provinces added to the kingdom since the last Estates-General. Nobody has dared to say that these new provinces should not have their own representatives over and beyond those represented at the Estates of 1614. But it is surely the case that, like additional territory, manufacture and the arts also create additional wealth, taxes, and population. Why, since it is so easy to make a comparison between an increase of this type and an increase of territory, refuse also to give the former a number of representatives over and beyond the number dispatched to the Estates of 1614?

But this is to reason with people able only to listen to their own interest. Better, rather, to present them with a more immediate consideration. Is it still right for the nobility to keep to the language and attitude that it used in a gothic age? Is it still right, at the end of the 18th century, for the Third Estate to keep to the abject and cowardly manners of ancient servility? If the Third Estate knew how to prize and respect itself, the other orders would undoubtedly respect it too! Remember that the old relationship between the orders has changed on both sides. The Third Estate, once reduced to nothing, has re-acquired, by means of its industry, a part of what was stolen from it by injurious force. But instead of retaking its rights, it has agreed to pay for them. They have not been restored; they

have simply been sold back, and the Third Estate has been willing to buy them. But one way or another, it is now in position to take possession of them. It cannot be ignorant of the fact that where once it was no more than a shadow, it is now the real nation and that over the course of this long transformation, the nobility has ceased to be that monstrous feudal reality that once was able to oppress with impunity and instead has become no more than its shadow. It is now quite vain for that shadow to try to overawe an entire nation unless that nation wants to be regarded as no more than the lowest nation on earth.

§ III

The Third Estate's Third and Final Demand

That the Estates-General vote by head and not by order.

The question can be approached in three ways: from the point of view of the Third Estate; according to the interest of the privileged orders; and finally, according to true principles. It is useless, to take the first point of view, to add anything to what has already been said. From the Third Estate's point of view, this demand is a necessary consequence of the two others.

The privileged orders are afraid of the third order having an equality of influence and declare it to be unconstitutional. Their conduct is all the more striking because there are two of them against one, but they do not seem to have found anything unconstitutional in this unjust superiority. They are very convinced of the need to maintain a *veto* over anything that might be contrary to their interest. I do not want to repeat the arguments used by a score of writers to defeat this claim and its basis in an appeal to ancient constitutional forms. I have but one remark. There are certainly abuses in France. These abuses are to somebody's advantage, but they are hardly advantageous to the Third Estate. They are, rather, particularly damaging to it. Now in these circumstances will it be possible to destroy any abuse for as long as those benefiting from it have been left with a *veto*? Justice will have no force at all on its side. Everything will depend on the pure generosity of the privileged orders. Is that the right idea to have of a social order?

If we now consider the same subject independently of individual interest and instead deal with it on the basis of the principles that are intended to throw the most light on it, namely, those that form the science of the social order, or social science, the question begins to look quite different. I maintain that it is not possible to accept either the demand of the Third Estate or its rejection by the privileged orders without overturning the most obvious notions. I certainly do not mean to accuse the

loyal boroughs (*bonne villes*) of the kingdom of having had any such intention. Their aim was to get nearer to attaining to their rights by calling for at least a balance between the two influences. They have, moreover, set out some excellent truths, because it is certain that a *veto* by one order over the others is a right that is able to paralyze everything in a country in which interests are so opposed. It is equally certain that by not voting by head, it will not be possible to identify a genuine majority and that this will be the greatest of all drawbacks, because the law, at root, will be null. These truths are absolutely indisputable. But could the three orders as now constituted join together to vote by head? This is the real question. The answer to it has to be no. In the light of true principle, they cannot vote *in common*; they cannot vote either by head or by order. Whatever the proportion adopted between them, it will not be able to meet the required objective, which is to bind and engage the totality of representatives by *one* common will. This assertion undoubtedly needs explanation and proof. I propose to reserve these for the sixth chapter. I have no wish to offend those disposed towards moderation who are always inclined to be afraid that the truth will come out at the wrong moment. But first it is necessary to make them see that the present state of affairs has come about solely through the fault of the privileged orders, that it is time to choose, and time to say what is true and just in all its force.

Chapter Four

What the Government Has Attempted to Do, and What the Privileged Orders Have Offered To Do to Favor the Third Estate

The government was led to imagine that it could obtain blind assent to all its projects by offering to do something for the Nation, not for reasons that were likely to produce a feeling of gratitude but because of its blunders and its realization that it could not correct them without the help of the Nation. With this in mind, M. de Calonne produced the plan for the provincial assemblies. (★)

§ I

The Provincial Assemblies

It was impossible to pay a moment's attention to the interest of the Nation without noticing the political nullity of the Third Estate. The Min-

ister even seems to have realized that the distinction between the three orders was incompatible with any hope of a successful outcome and was probably aiming to make that distinction disappear in the fullness of time. This at least appears to have been the spirit in which the initial plan for the provincial assemblies seems to have been conceived and drafted. It needs only to be read with a little attention for it to be clear that it had no concern with the *personal* status of citizens. Its only concern was with their property or their *real* status. It was to be as a property owner and not as a priest, a noble, or a commoner that one was to be summoned to attend these interesting assemblies. They were interesting not only in the objective that they were supposed to serve, but even more so because of the way that they were to be convoked. It amounted to the establishment of a genuinely national representation.

Four kinds of property were distinguished. The first consisted of seigneurial domains. Those possessing them, whether nobles or commoners, ecclesiastical or lay, were to form the first class. Ordinary property, as against seigneurial property, was to be divided into three classes. A more natural division would have consisted of no more than two, namely, rural and urban property, given by the nature of the employments associated with them and the ensuing balance of interests. All the trades, arts, manufacturing industries, etc. could then have been included in the latter class, along with the houses. But it was doubtless thought that the time was not yet ripe to merge ordinary ecclesiastical property with either of these other two categories. Thus it was deemed to be necessary to leave the clergy's ordinary, non-seigneurial property as a separate class. This formed the second kind of property. The third included rural property, while the fourth consisted of property situated in towns.

Note that since three of these various types of property could be owned indistinctly by citizens in any of the three orders, three of the four classes of representatives would have been made up indistinctly of nobles, commoners, or priests. The second class itself would have contained knights of Malta or even laymen representing hospitals, parish charitable trusts, and the like.

It is natural to believe that had public affairs come to be dealt with in these assemblies without any regard to personal status, a community of interests between the three orders would have come to be formed and that this would have been the general interest, so that the Nation would have ended up by being what every nation ought to have been to begin with, by being *one*.

All these good ideas did not impinge on the Principal Minister's much vaunted mind.^(*) It is not that he did not have a very clear view of the in-

terest that he sought to serve, but rather that he had absolutely no understanding at all of the real value of what he went about damaging. He revived the politically inept division into orders based on persons, and although this change alone ought to have led to a need to make a new plan, he remained content with the old one in everything that did not seem to be at odds with his aims and was then astonished by the scores of problems arising daily from the lack of compatibility between the two. The nobility above all could not understand how it could possibly regenerate itself in assemblies where no provision had been made for a supply of genealogists. Its anxieties on that score were amusing to observe.¹⁸

Of all the vices involved in establishing this edifice, the greatest was to begin, so to speak, with the roof instead of with the natural foundation on which it ought to have been based, namely, free elections by the people. But at least the Minister, as a gesture of homage towards the rights of the Third Estate, announced that its order would have a number of representatives equal to those of the clergy and nobility combined. This, at any rate, is the positive wording of their founding articles. But what, in fact, happened? Deputies of the Third Estate were nominated from among the privileged orders. I know of one assembly in which only one of its fifty-two members is not a member of a privileged order. Thus has the cause of the Third Estate been served, even after it was proclaimed publicly that justice would be its rightful desert!

§ II

The Notables

The Notables deceived the hopes of both ministers. In this respect, there is no more fitting portrait than the excellent sketch provided by M. C[erutti]:

The King assembled them twice to consult them over the interests of the Throne and the Nation. What did the Notables of 1787 do? They defended their privileges against the Throne. What did the Notables of 1788 do? They defended their privileges against the Nation.(★)

Instead of consulting those whose *privileges* made them notable, those who should have been consulted ought to have been those who were notably *enlightened*. Even the most ordinary private individuals are not mistaken about where to seek council either for their own affairs or for those people in whom they have a genuine interest.

¹⁸See the minutes of the provincial assemblies.

M. Necker was duped.(*) But how could he have guessed that the very same men who voted to accept an equal number of representatives from the Third Estate in the provincial assemblies would reject that very same equality in the Estates-General? Whatever the case, the public has not been duped. It had always disapproved of a measure (namely convening the Notables) whose outcome it could foresee and which, at best, it held to be responsible for delays that can be prejudicial only to the Nation. This might suggest that now is the time to investigate some of the motives underlying the majority decision in the most recent Assembly of Notables. But this is not the moment to anticipate the verdict of history. That verdict will still come all too quickly for men who, in the best of circumstances and with all the ability to dictate all that would have been just, fine, and good for the benefit of a great nation, chose instead to prostitute that superb opportunity to a miserable vested interest and, by doing so, gave posterity yet another example of the way that prejudice can maintain its empire over every sense of public spirit.

As can be seen, the ministry's efforts have not yielded any fruits that have been favorable to the Third Estate.

§ III

The Patriot Writers of the First Two Orders

It is noteworthy to see that the cause of the Third Estate has been taken up with more speed and vigor by noble and ecclesiastical writers than by those who themselves have no privileges.

I am inclined to explain the slowness of the Third Estate in terms of the habits of silence and fear that are the hallmark of the oppressed and, as such, amount to additional proof of the reality of oppression. Is it really possible to reflect seriously about the principles and purpose of the social state without, in the depths of one's soul, feeling a revulsion towards the monstrous partiality of human institutions? I am not at all surprised that the first two orders were the first to defend justice and humanity. If the *talents* are connected to the exclusive use of intelligence and long-standing habit, and if the members of the Third Estate may have had an abundance of reasons for distinguishing themselves in this area, an *enlightened* concern for public morality is more likely to be found among men who are better placed to grasp the nature of the great bonds of society and whose original impulses are usually less likely to have been cut short. It has to be recognized that there are some sciences which have as much to do with the soul as with the mind. Once the Nation is free, it will not be able to avoid gratefully remembering those patriotic writers of the first two orders who were the first to abjure encrusted error and to prefer the

principles of universal justice to the murderous combinations of vested interests against the national interest. In anticipation of the public honors to be bestowed upon them, let them not refuse the tribute of a citizen whose soul is aflame with love for his country and who adores every effort made to free it from the wreckage of feudalism.

It is certain that the first two orders have an interest in restoring the Third Estate to its rights. There is no reason to disguise the fact that the only guarantee of public freedom is to be found where real force resides. We can be free only by and with the People.

If a consideration of this importance is likely to go over the heads of the frivolousness and egoism of most French people, they will still at least be struck by the changes that have taken place in public opinion. Reason's empire is growing by the day. Increasingly it requires the restoration of rights that were usurped. Sooner or later every single class will come to be bound by the limits of the social contract, the contract that concerns and obliges every associate, one to another.¹⁹ Will that fundamental principle then be used to obtain its innumerable benefits or to sacrifice them to despotism? This is the true question. True human bonds may have been destroyed during the long night of feudal barbarism. Every notion of right may have been overturned and justice corrupted. But as light begins to dawn, gothic absurdity will have to take flight, and the last vestiges of ancient ferocity will fall and be annihilated. This much is certain. The question is then whether we will simply substitute one evil for another or whether true social order in all its beauty will come to replace ancient disorder. Will the changes that we are about to undergo be the bitter fruit of civil war, which will be disastrous in every respect for all three orders and advantageous to ministerial power alone, or will they instead be the natural, long-foreseen and well-managed effect of a just and simple vision, of happy cooperation, favored by propitious circumstances and freely promoted by every interested class?

§ IV

On the Promise to Shoulder the Burden of Taxation Equally

The Assembly of Notables expressed a formal wish that the three orders should all be subject to the same taxes. But they were not asked to offer this opinion. The question at issue was the manner in which the

¹⁹There is no other way to conceive of the social contract. It binds the associates to one another. To assume that there is a contract between a people and its government is a false and dangerous idea. A nation does not make a contract with those it mandates; it *entrusts* the exercise of its powers.

Estates-General was to be convoked, not the content of the deliberations that that Assembly might undertake. This wish has, therefore, to be set alongside those issued by the Peers, the Parlement and the many private associations and individuals who are all now rushing to agree that the richest should pay as much as the poorest.

I cannot conceal the fact that so new a turn of affairs has frightened a part of the public. It might, perhaps, be said that is encouraging to see so much good-hearted willingness towards an equitable distribution of the tax burden in advance of the moment when it will be settled by the law. But what is the cause of this new zeal and of so much haste and willingness to cooperate now shown by the nobility? By offering to make a voluntary donation, could they not be hoping to forestall the need for the law to perform an act of justice? Might this excessive concern with anticipating what the Estates-General might do not be designed simply to make it easier to do without the Estates-General altogether? I would not wish to accuse the nobility of wanting to tell the King: "Sire, you need the Estates-General only to restore your finances. So, we propose to pay, just like the Third Estate. Consider this small surplus and see whether it might not rid you of an assembly that is a cause of more alarm to us than it is to you?" Surely no one could ever possibly think that.

One might, instead, suspect the nobility of wanting to bathe the Third Estate in illusions, of wanting, by making a gesture of equity in advance, to offer a *quid pro quo* for its current demands and distract it from its need to be *something* at the Estates-General. It seems to be saying to the Third Estate: "What do you want? That we pay like you. Which is just; so we'll pay. But leave the old state of affairs—where you were nothing, and we were everything, and it was so easy for us to pay no more than what we wanted—as it was." It would be so useful, merely by paying the price of a forced renunciation, for the privileged classes to maintain all the abuses and still hope to be able to add a few more! If to strike so excellent a bargain, all that was needed was to excite a little enthusiasm among the people, would it be so hard to find a way to move it and even arouse its tenderness by talk of relieving its suffering and by filling its ears with the sonorous *words* of equality, honor, fraternity and the like?

The Third Estate might reply: "It is high time that you shouldered the burden of taxes that are much more useful to you than to us. You have well been able to see that this monstrous inequity cannot last much longer. If we are to be free in what we offer as taxes, it is clear that we cannot, nor should not, nor will not, give anything more bountiful than you. This simple resolution on our part serves to make us more than a little indifferent to those acts of renunciation that you continue to vaunt as a rare kind of gesture, one befitting what honor and *generosity* would

command to *French chivalry*.²⁰ Truly, you will have to pay, not from generosity, but from justice; not because you choose to, but because you ought to. All that we expect from you is a sign of obedience to the common law and not an insulting sign of pity towards an order that you have treated without pity for so long. But the whole matter is one for the Estates-General to deal with. What is at issue now is how it will be constituted. If the Third Estate is not represented, the Nation will be dumb. Nothing it undertakes can be valid. Even if you were to find a way to establish a rightful order everywhere without our assistance, we cannot allow you to dispose of us in our absence. Long and bitter experience has made it impossible for us to believe that any good law can be sound if it is merely a *gift of the strongest*.”

The privileged orders do not tire of saying that, from the moment that the three orders jointly surrender their purely monetary exemptions, everything will be equal between them. But if everything will be equal, why then should they be afraid of the demands of the Third Estate? Is it to be supposed that the Third Estate would want to harm itself by attacking a common interest? If everything is to be equal, how can one explain all those efforts to prevent the Third Estate from escaping from its political nullity?

But where, I ask, is the miraculous power able to guarantee France from the possibility of any abuse of *any kind* as soon as the nobility begins

²⁰I confess that I find it impossible to approve of the great store set upon getting the privileged orders to renounce their pecuniary privileges. The Third Estate seems to be unaware that since consent to taxation is as much a matter of the constitution whether it applies to itself or to the other orders, all it will need to do is to declare that it does not intend to bear any tax which is not born by all three orders at once. I am no more satisfied with the way in which this far-too-highly solicited renunciation has been carried out in the majority of the *bailliages*, despite the show of gratitude that has filled the pages of the newspapers and magazines. It can be read there that the nobility *will retain the sacred rights of property . . . the prerogatives belonging to it . . . and the distinctions essential to a monarchy*. It is astonishing that the Third Estate has not replied, first, to the *reservation of the sacred rights of property* by saying: that the whole Nation has an interest in doing so but that it could not see who this reservation is directed against; and that if the three orders wished to consider themselves separately, history would doubtless instruct them which of the three had the most reason to be suspicious of the others; that, in a word, the claim can be regarded only as a gratuitous insult, tantamount to saying *we will gladly pay taxes on condition that you do not steal from us*. In addition, what are *prerogatives belonging* to part of the Nation when the Nation never seems to have granted them? Prerogatives which would soon no longer be esteemed if granted no other origin than the *right of the sword*! Finally it is even more difficult to understand what these *essential distinctions* in a monarchy might be, without which, presumably, a monarchy would not be able to exist. As far as we can see, none of them, not even the distinction of mounting the royal carriage, seems to be important enough to make it true that a monarchy would not be able to survive without them.

to pay its share of the taxes? If such abuses and disorder will still exist, I would like to know how everything can be equal between those who profit from them and those who suffer from them.

Everything is equal! Presumably it has been out of a spirit of equality that the Third Estate has been subject to the most degrading exclusion from every official position and every more than slightly distinguished office? Presumably it has been out of a spirit of equality that it has been forced to pay an additional financial tribute to produce that prodigious quantity of resources of all kinds, destined exclusively for what is called the *poor nobility*?

In any trial between a member of a privileged order and a man of the people, is the latter not certain to be oppressed with impunity precisely because he will have to turn to someone privileged if he dares to ask for justice? They alone dispose of every power, and is not their first reaction to regard a complaint by a commoner as a lack of subordination?

Why do the toadies of the judicial system and the police tremble in carrying out their functions on a member of the privileged orders, even when someone has been caught red-handed, while they show so much brutality towards a poor man who has merely been accused?

What is the point of all those privileges connected to legal proceedings, of those attributions, evocations, letters of suspension, etc. that serve to discourage or to ruin an opposing party? Are they for the benefit of the non-privileged Third Estate?

Who are the citizens most exposed to personal vexation by agents of the tax collectors and their subordinates in every part of the administration? They are members of the Third Estate, by which I still mean the veritable Third Estate, the one that does not enjoy any kind of exemption.

Why do members of the privileged orders, after the most appalling crimes, almost always avoid punishment, thus depriving law and order of its most effective exemplary deterrents?

What sort of absurd and ferocious scorn do you dare to display by demoting a privileged criminal to the rank of a commoner in order, as you put it, to *degrade* him and make him *fit* in such company to submit to the death penalty.(*) What would you say if, before punishing a criminal from the Third Estate, the Legislator were to grant him letters of nobility to purge his order of his presence?

The law prescribes different punishments for someone who is privileged than for someone who is not. It seems to show a fondness towards the noble criminal, honoring him to the very scaffold. In addition to this abominable distinction that, at bottom, must be thought to be worth preserving only by those projecting some sort of crime, there is then, as is well known, attached a further punishment, namely, that of infamy for

the entire family of the unfortunate wretch executed without the benefit of privilege. It is the law itself that is guilty of this atrocity, but there are those who would refuse to reform it! The *duty* is the same for everyone; the *crime* is the same; why then should the *punishment* be different? Note well that as things stand you can never punish anyone who is privileged without both honoring him and punishing the Nation, which has already suffered enough for his crime.

I put it to you, is it permissible, in the light of the most superficial glance at society, to repeat that everything will be equal as soon as the nobility renounces its monetary tax exemptions? There are indeed some men who are sensible only to money. Being literally paralyzed when it is a matter of liberty, honor, equality before the law or, in a word, every social right except money, they cannot imagine that it might be possible to be anxious about anything other than paying a penny more or less. But I am not writing for men of so vile a character.

What is to be said of the exclusive privilege of appearing in arms, even in peacetime, not for reasons related to any military function and without even the uniform of that estate? If a privileged person can arm himself to protect his life, his goods or his honor, does a member of the Third Estate have less of an interest in preserving his life or his goods and is he not just as sensible of his honor? Would anyone dare to claim that the law offers additional protection to someone without a privilege and that this actually exempts him from having to arm himself for his own defense?

If everything is equal, why are there such voluminous compilations of law, all advantageous to the nobility? Has someone discovered the secret of favoring one order without prejudicing the rest? But even when you know perfectly well that all this separate legislation serves to turn the nobility into a race apart, one which appears to have been born to command and turn the rest of the citizenry into a people of helots destined to serve, you still dare to lie to your own conscience and try to deafen the Nation into dull credulity by making a clamor about everything being equal.²¹

Even those laws that are taken to be the most general and the most exempt from partiality are the accomplices of the privileged orders. Examine their spirit; consider their effects; who do they appear to have been

²¹I would very much like to know where all those numerous privileges that everyone complains that we enjoy might be, said an aristocrat. Better, rather, to say where are they not, replied a Friend of the People. Everything about a privileged person reeks of privilege, even his manner of asking a question, which, in an ordinary citizen, would be found to be quite extraordinary; even the tone of assurance he adopts in asking questions that in his own heart he has already resolved. Even if every privilege were to be reduced to a single one, I would still find it intolerable. Is it not obvious that it would multiply just like the number of privileged individuals?

made for? For the privileged orders. Against who? Against the people, etc., etc.

But the people are expected to be content and are not supposed to dream of anything more, because the nobility has *agreed* to pay taxes just like it! Future generations are expected to close their eyes to contemporary enlightenment and habituate themselves calmly to an oppressive order that the present generation can no longer endure! But it is time to turn away from an inexhaustible subject and the feelings of indignation that it is bound to reawaken.²²

There can be no doubt that all the taxes that fall particularly on the Third Estate will be abolished. A country in which those citizens who benefit the most from the public establishment contribute the least is a strange sort of country! Even stranger is one where some taxes were said to be shameful to bear and where even the Legislator held them to be degrading! (★) What sort of a society, with even a modicum of sanity, would take work to be a *derogation* from nobility, would hold consumption to be honorable and production a form of humiliation, and would call hard physical labor *vile*, as if anything other than vice ought to be called vile, and as if there is more of this, the only real kind of vileness, to be found among the laboring classes!

In the end, all those words like hearth taxes,²³ freeholds, billets, etc. will be proscribed for ever from political language and the Legislator will no longer be able to take a stupid pleasure in obstructing foreigners,

²²Here, what has been at issue has been only the question of the inequality of *civil* rights; in the two final chapters I propose to set out the correct way to deal with the monstrous inequality of *political* rights.

²³It is worth pointing out that the abolition of the hearth tax (*taille*) will be very advantageous to the privileged orders in monetary terms if it is agreed, as seems likely, to replace it by a general subvention. (1) In regions in which the hearth-tax falls upon a *person*, it is very well known that, at bottom, the tax is paid by the landowner. The farmer, told by the landowner that he will take responsibility for the payment of his tax, simply pays a higher proportional rent. This fact is known. If a general tax common to all goods, even those not now subject to the tax, were to be substituted for the hearth tax, it is evident that the mass of goods now bearing the costs of paying the hearth tax would be relieved of that portion of the new tax which would fall on goods that are currently exempt from paying the hearth tax. Since land that has been farmed out has to pay the largest share of the tax, it is certain that the largest proportion of the relief will favour the mass of that land. But it belongs overwhelmingly to the privileged orders, so that I am right to say that the privileged orders will pay less.

(2) In areas where the hearth tax falls upon *real* property, not persons, rural land will be relieved of all of that proportion of the new tax which will affect noble land. This conversion will take place irrespective of the personal quality of the landowners. Since nobody knows which order of citizens most noble and most common land belongs to, there is no

barred by these wounding distinctions, from bringing their capital and industry into our midst.

But while setting forth this advantage and a score of others that a well-constituted assembly might be able to obtain for the people, I cannot yet see anything capable of promising a good constitution to the Third Estate. It has made no further advance in its demands. The privileged orders continue to defend all their advantages. Whatever the proportional number of deputies, they still want to form two separate chambers; they still want two votes out of three and they still insist that each of them should have a veto. What wonderful ways to make all reform impossible! Paralysis might suit the taste of the first two orders. But will it please the Third Estate? It is not all that likely to be heard repeating the fine words of that royal tax farmer who said, *Why change? We are so comfortable!*

§ V

On the Compromise Suggested by the Friends of the Ministry and the Privileged Orders

The ministry is most afraid of a form of deliberation that, by bringing matters to standstill, would also entail a suspension of any grant of the financial assistance that it expects. If agreement could only be found to cover the deficit, the rest would no longer matter. The three orders could argue as much and for as long as they liked. Indeed, the less progress they make, the more the ministry might hope to reinforce its arbitrary authority. This is what lies behind the appearance of a possible compromise that has begun to be circulated widely and that would be as useful to the privileged orders and the ministry as it would be fatal to the Third Estate. This proposal is to vote by head in granting subsidies and on anything concerning taxation. The three orders would then withdraw to their separate chambers as if to impregnable fortresses, where the Third Estate would continue to deliberate without success, while the privileged orders would continue to enjoy their privileges without further fear, and the

reason to assume that the nobility ought to be given all the credit for the individual advantages or disadvantages arising from the suppression of the hearth-tax.

Well-to-do owners of seigneurial domains have also calculated very well that the abolition of the hearth-tax, free-hold etc. ought to favour sales and purchases by their vassals, increasing the value of their property and, as a result, promising them a new source of monetary profit. The hearth-tax is undoubtedly badly levied when it falls on farmers. But levying it, under a different name, on the landowners themselves and all the goods that they farm out would turn it into a purely political tax, insofar as it will discourage small landowners from giving up the management of their goods and will stand in for a prohibitive tax or fine on the idleness of the great landowners.

ministry would remain the master. But can it be believed that the Third Estate would fall into so crude a trap? Since a vote on the subsidy has to be the Estates-General's very last act, it will first have had to come to an initial agreement on a general form for all its deliberations; and it cannot be doubted that this will not be far-removed from one which allows the assembly to maintain the use of all its wisdom and enlightenment.²⁴

§ VI

On the Proposal to Imitate the English Constitution

Different interests have had time to develop within the noble order. It is not far from dividing into two parties. All those connected to the three or four hundred most distinguished families aspire towards the establishment of an upper chamber, similar to the one in England. Their pride has been fed on the hope that they will no longer be confused with the mass of ordinary gentlemen. Thus the high nobility would be quite happy to see the rest of the nobility relegated to the House of Commons along with the generality of citizens.

The Third Estate will take care to preserve itself from a system that aims at nothing less than filling its own house with people with an interest that is so contrary to the common interest, a system that would soon push it back towards nullity and oppression. In this respect, there is a real difference between England and France. In England the only nobles with privileges are those granted a share in the legislative power by the constitution.²⁵ Every other citizen is subsumed under the same interest; there are no privileges that give rise to distinct orders. If, in France, there were a desire to join the three orders together to form one, then every kind of privilege would have to be abolished first. The noble and the priest would have to have no other interest than the common interest and, under the protection of the law, would have to enjoy no more than the

²⁴See the *Views of the executive means etc.*, pp. 87–91 [above, pp. 34–9]

²⁵The lords of the upper house do not even form a distinct *order*. There is only one order in England, and that is the nation. A member of the House of Lords is a great mandatory designated by law to exercise part of the function of legislating and the great judicial functions. He is not someone endowed with privileges by right of belonging to a *caste*, with no connection with public affairs, since a peer's younger brothers have no share in the privileges enjoyed by the elder. It is true that these great functions are connected to birth, or rather to primogeniture. This is a gesture towards feudalism whose influence was still preponderant a hundred years ago. It is an institution that at one and the same time is both gothic and ridiculous. If kings became hereditary to avoid the civil disturbances that their election might occasion, there is no reason to fear anything similar in the case of the nomination of a simple lord.

rights of ordinary citizens. Without this, it would be pointless to join the three orders together under the same denomination. They would still remain three types of heterogeneous matter that it would be impossible to amalgamate. Here, I have no wish to be accused of supporting any distinction of orders, something that I hold to be an invention that is the most harmful to any social good. The only misfortune greater than this would be the even more extreme misfortune of *nominally* combining the orders while still leaving them *really* separate by maintaining their privileges. This would set the seal on their victory over the Nation forever. Public safety calls for the common interest of society to be preserved somewhere in a pure and unmixed form. On the basis of this point of view—the only good, truly national, point of view—the Third Estate will never lend its authority to admitting several different orders into a so-called House of Commons, because the very idea of a House of Commons made up of different orders is a monstrosity. It amounts to a contradiction in terms.

Its opposition will also have the support of the minor nobility because it will never be willing to exchange the privileges that it enjoys for a distinction that it would never actually have. Take note of the way that, in the Languedoc, it has always risen up against the aristocracy of the barons.(★) In general, men always have a strong liking for reducing everything superior to them to a state of equality; in this, they display themselves as *philosophers*. The word becomes odious to them only when they notice that their inferiors have the same principles.

The project to establish a two-chamber system has, however, gained so large a number of partisans among us that it has become a matter of real concern. The differences that we have presented are quite real. A nation that is split into orders can never have anything in common and can never be *one* nation. How, with such dissimilar materials, can it be possible to conceive of building the same political edifice in France as in England?

Can you possibly expect that it would be feasible to admit a part of the first two orders to the lower house? In that case, you will have to show us how to form a single common legislature out of several different orders. As has just been said, a common legislature cannot be anything other than a body of citizens with the same civil and political rights. It is a mockery to conceive of one in any other terms and imagine that one can form a common legislature by making citizens with unequal civil and political privileges sit together in the same chamber. You will not find so strange a combination in England. I should add that the part of the nobility that you propose to introduce to your so-called House of Commons would not need much time to seize control of most of the deputations. The Third Estate would lose its authentic representatives,

and we would go back to the old state of affairs, where the nobility was everything and the Nation, nothing.

To avoid these difficulties, would you propose to establish a second chamber exclusively for the Third Estate? In this case, you will not have changed your present position but will have added an additional evil to it by joining the two privileged orders. By promoting this alliance, you will give them more power against the common order, but both sides will be weaker against ministerial power, which will be all-too-well aware that it will always be called upon to lay down the law to two divided peoples. Moreover, I cannot see why this new arrangement goes any nearer towards the English Constitution. You will have legitimated and sanctioned the separateness of the privileged orders; you will have divided them forever from the Nation's interest; and you will have perpetuated the hatred or, better, the sort of endless civil war affecting every people divided between those with privileges and those with none. With our neighbors, on the contrary, all the nation's interests are united in the House of Commons. The Lords themselves are careful to avoid forming any opposition to the common interest because it also happens to be their own, since it is the interest of their brothers, their children, and their whole families, who all rightfully belong to the Commons. But there are still those who dare to compare the English upper house to a house that would combine the French clergy and nobility! But, however this latter may be presented, it cannot escape from the cluster of evils that are inherent in its very nature. If it is composed of genuine representatives of the clergy and nobility drawn from the whole Kingdom, it will, as has been said, divide the two interests forever, putting an end to the hope of ever forming *one* Nation. If the aim is to create a chamber of peers, it will either have to be made up of deputies elected by a certain number of the most distinguished families, or to avoid diverging too far from the English model it will be necessary to decide simply to make the title of peer a hereditary or life privilege, relegating the rest of the nobility to the Third Estate. But all these suppositions simply add to the problems. They all entail a hybrid and, consequently, a monstrous House of Commons, etc. Moreover, when it pleases the King of England to create a peer, he is not obliged to choose someone from a single class of citizens. This is yet another difference, absolutely confounding all our own ideas about nobility.

I have a last comment to make. It follows on naturally from the supposition of an upper house made up of either hereditary or life members. It is certain that such individuals cannot, on any construction, be the representatives of the Nation, and yet they will exercise all the powers associated with that function. In good faith is it entirely impossible to foresee circumstances when, for example, convoking the Commons might be-

come highly embarrassing? Dozens of reasons that are easy to imagine might first lead to one delay and then another. Finally, time would be so short that the upper house would be duly invited to give its assent in advance either to a loan or a law, etc. I leave the rest to the reader's imagination. It would be odd indeed to think that we might finally end up with that *plenary court* which we were once so reluctant to accept! (*) It should, it seems to me, be allowable not to be too favorably disposed toward a project capable of bringing us to the brink of a precipice that we ought to think we had managed to avoid for ever. We certainly do not need a *royal* or a *feudal* chamber. But I must also point out, before finishing this section, that I have attacked the idea of separate *chambers* only on the assumption that it would be based on a separation of *orders*. Separate these two ideas, and I would be the first to call for three chambers, equal in every respect and each made up of a third of the great national deputation. All that would remain, under this new plan, would be to adopt the means indicated on pp. 38 and 46 of the *Views of the executive means, etc.* in order to end up with a resolution amounting to the majority of votes on any occasion when the three chambers, taken as single bodies, were not in agreement with one another.

§ VII

The Spirit of Imitation Is Not Fit To Serve as a Good Guide

We would not have so much faith in English institutions if political knowledge and understanding were better established and more widely disseminated among us. In this respect, the French nation consists of men who are either too young or too old. The two ages, which are so close in many ways are also similar in this respect: namely, that neither the one nor the other is able to be guided by anything other than example. The young seek to imitate; the old can do no more than repeat. The latter are true to their own habits; the former mimic the habits of others. That is as much as they can achieve by relying on their own aptitudes and industry.

It should not be surprising, therefore, to see a nation, having barely opened its own eyes to the light, turn towards the English Constitution and want to take it as a model in everything. It would be highly desirable at this particular time for an able writer to enlighten us by addressing the following two questions: Is the British Constitution good in itself? Even if it is good in itself, is it likely to be good for France?²⁶

²⁶Since the appearance of the first edition of this pamphlet, an excellent work that in most respects fulfils the wish expressed here has been published. This is the *Examen du Gouvernement d'Angleterre comparé aux Constitutions des Etats-Unis*, a 291-page brochure. (**)

I am very much afraid that this much-vaunted masterpiece cannot withstand an impartial examination based on the principles of a genuine political order. We will perhaps be able to see that it is more of a product of chance and circumstance than enlightenment. Its upper house is obviously redolent of the period of the Revolution of 1688. We have already pointed out that it is almost impossible not to see it as a monument to gothic superstition.

In the second place, consider the system of national representation and how bad all its elements are, as the English themselves admit. But the characteristics of a good system of representation are the most essential requirements for forming a good legislature.

Thirdly, is the idea of dividing the legislative power into three parts, only one of which is taken to speak in the name of the nation, based on correct principles? If the Lords and the King are not the nation's representatives, they ought to have no part in the legislative power, because it is the nation alone that is able to will for itself and, consequently, create laws for itself. Whatever goes into a legislative body is competent to vote on a people's behalf only insofar as it is entrusted with their proxy. But if there are no free, general elections, where is the proxy?

I do not deny that the English Constitution was an astonishing piece of work at the time when it was established. But, even though there will be many who are willing to mock someone who is French but who is not inclined to prostrate himself before it, I would still dare to submit that instead of displaying all the simplicity of good order, it rather reveals a scaffolding of precautions against disorder.²⁷ Since everything in political institutions is connected, and there is no effect which is not, in its turn, the origin of a further sequence of causes and effects that can be extended for as far as it is possible to remain attentive, it is not surprising that thinking people take all this to be a sign of great profundity. But in the ordinary course of events it is usual for the most complicated machines to come first and, as with every other art, the same applies to the true progress of the social art. Its crowning triumph is to produce the greatest effects by the most simple means.

²⁷In England, the government is a subject of a perpetual combat between the ministry and the aristocracy in opposition. The Nation and the King seem to be mere spectators. The King's policy consists of always adopting the strongest party. The Nation suspects both the stronger and the weaker party. For its safety, the combat has to continue. This is why it supports the weaker party to prevent it from being completely crushed. But if, instead of leaving the management of its affairs as a prize in this gladiatorial combat, the people decided to take them in hand by way of genuine representatives, can it, in all good faith, not be believed that all the importance presently attached to the *balance* of powers would not fall away, along with the order of arrangements that alone was what made it necessary?

It would be wrong to decide in favor of the British Constitution simply because it has lasted for a hundred years and looks as if it should last for centuries more. As far as human institutions are concerned, where are those that have not lasted for a very long time, however bad they may be? Is it not the case that even despotism goes on for a long time, even seeming to be eternal in the greatest part of the world?

A better proof would be to refer to *effects*. By comparing the English people to their continental neighbors with this in mind, it is difficult not to believe that they do have something better. Indeed, what the English people have is a constitution, however incomplete it may be, while we have none. The difference is considerable. It is hardly surprising that the effects are noticeable. But it is surely a mistake to attribute everything good about England to the sole power of the constitution. There is, self-evidently, at least one law that is worth more than the constitution itself. I mean, of course, trial by *jury*, the true guarantor of individual liberty in every country in the world where men aspire to be free. This way of providing justice is the only one able to offer protection from the abuse of judicial power, something so frequent and so redoubtable wherever judgment is not given by one's peers. Once it exists, all that is needed for anyone to be free is to take precautions against illegal orders emanating from ministerial power. For that, what is needed is either a good constitution, which England does not have, or a set of circumstances in which the head of the executive power is not in a position to use force to back up his arbitrary will. It is not difficult to see that the English nation is the only nation to have been allowed not to have a standing army that might be a threat to the nation. This is also why it is the only nation that is able to be free without having a good constitution. This reflection ought to be enough to make us weary of the mania for imitating our neighbors. Better, instead, to consult our own needs; they are nearer to us and will inform us rather better. If you want to try to naturalize the English Constitution here, you will have no difficulty in obtaining its defects because they will be of use to the only power whose obstruction you will have to fear. But will you obtain any of its advantages? This question is more problematic because here you will encounter a power with an interest in frustrating your desires. What, after all, is the reason for desiring an exotic constitution with such ardor? It is because it looks as if it has approached the proper principles of the social state. But if, in every sphere, there is a model of the good and the beautiful that is used to assess the amount of progress that has been made towards what is right, and if it cannot now be said that, in terms of the social art, this model is known less to us now than it was to the English in 1688, why should we spurn the very archetype of the good and restrict ourselves instead to imitating

a mere copy? Would it not be better to raise our ambition directly and seek instead to become an example to every other nation?

No people, it is said, have done better than the English. But, even if this is true, does it mean that at the end of the eighteenth century the products of the political art should be what they were at the end of the seventeenth century? Just as the English did not fall below the level of enlightenment of their age, so we should not fall below the level of our own. Above all, we should not be discouraged by finding nothing in history that seems to fit our own position. The true science of the state of society is not all that old. For a long time men built huts before they were able to build palaces. This is why social architecture, the most important art of all, has been even slower to progress. It is not the sort of thing that despots and aristocrats could have been expected to encourage.

Chapter Five

What Should Have Been Done.

First Principles on This Matter

In morality, nothing can stand in for simple and *natural* means. But the more time that man has wasted on useless trials, the more he dreads the idea of beginning again, as if it can never be better to start again and get to the end instead of having to remain at the mercy of events and of those *factitious* resources which always lead to having to start again and again, but without ever getting any further.

In every free nation (and every nation ought to be free) there is only one way to put an end to differences about the constitution. Recourse should not be made to the Notables, but to the Nation itself. If we lack a constitution, then a constitution must be made, and the Nation alone has the right to do so. If we do have a constitution, as some persist in claiming and if, as they pretend, it means that the National Assembly should consist of three separate deputations drawn from the three different orders of citizens, it is still quite hard not to see that one of these orders has made such strong protestations that it is impossible to go one step further without some adjudication of its claims. But who is entitled to decide in such disputes?

A question of this kind will seem to be a matter of indifference only to those who, setting little store on just and natural means in social matters, value no more than those more-or-less invidious, complicated, and artificial expedients that serve to give what passes for repute to statesmen and great politicians. We, however, do not stray from morality. Morality is

what should regulate all the ties binding men to one another, both in terms of their individual interests and their common or social interest. Morality ought to tell us what should have been done and, when all is said and done, it alone is able to do so. It is always essential to go back to first principles because these are more powerful than all the labored efforts of genius.

It will never be possible to understand the social mechanism without first deciding to analyze society as if it is like an ordinary machine, taking each part in turn and joining them together in one's mind to see how they fit together, one by one, to produce the resultant general harmony. Here, we do not need to do anything quite so elaborate. But it is still necessary to be clear. And, since it is impossible to be clear without starting from first principles, the reader is asked merely to consider the formation of a political society in terms of three epochs and to consider the differences between them as the basis of all the further elucidation that will be needed.

In the first of these epochs, one can imagine a more or less substantial number of isolated individuals seeking to unite. This fact alone makes them a nation. They have all the rights of a nation; it is simply a matter of exercising them. This first epoch is characterized by the activity of *individual* wills. The association is their work. They are the origin of all power.

The second epoch is characterized by the action of a *common* will. Here, everyone involved in the association seeks to give their union consistency. They all want to accomplish its purpose. Thus, they confer with one another and agree upon public needs and how to meet them. Here it can be seen that power belongs to the public. Individual wills still lie at its origin and still make up its essential underlying elements. But taken separately, their power would be null. Power resides solely in the whole. A community has to have a common will. Without this *unity* of will, it would not be able to make itself a willing and acting whole. It is also certain that this whole has no rights that are not connected to the common will.

Now consider the passage of time. The members of the association will have become too numerous and too widely dispersed to be easily able to exercise their common will themselves. What do they do? They will detach all that is needed for overseeing and providing for public concerns and will entrust that portion of the national will—and consequently power—to the exercise of some of their number. This brings us to the third epoch, or the period of *government by proxy*. This calls for several remarks. Firstly, the community does not divest itself of the right to will. This right is its inalienable property. All it can do is to entrust the exercise of that right to someone else. This principle is elaborated upon elsewhere. Secondly, the body of those delegated to exercise that trust cannot even enjoy the full exercise of the community's power. The com-

munity can entrust only that portion of its total power that will be needed to maintain good order. In this kind of delegation, nothing more than what is necessary is surrendered. Thirdly, it is not up to the body of delegates to alter the limits of the power with which it has been entrusted. It is easy to see that it would be self-contradictory to grant it this kind of faculty.

The third epoch can be distinguished from the second inasmuch as it is no longer a *real* common will that acts, but a *representative* common will. It has two ineffaceable characteristics and these need to be repeated. Firstly, that will, as expressed by the body of representatives, is neither complete nor unlimited; it is no more than a portion of the great common national will. Secondly, those delegated to exercise that will do not do so as a right that is their own, but as a right exercised on others' behalf. The common will is exercised as a delegation or trust.

Here, in order to get to the end, we have to set aside a mass of further considerations to which, quite naturally, this presentation might lead. What matters now is to know what should be understood by the political *constitution* of a society and how to identify its just relationship to the *nation* itself.

It is impossible to create a body for an end without giving it the organization, forms, and laws it needs in order to fulfil the functions for which it has been established. This is what is meant by the *constitution* of that body. It is obvious that it could not exist without one. It is equally obvious that any delegated government must have its constitution and that what is true of government in general is also true of each of its component parts. Thus the body of representatives entrusted with the legislative power, or the exercise of the common will, exists only by way of the mode of being which the nation decided to give it. It is nothing without its constitutive forms; it acts, proceeds, or commands only by way of those forms.

In addition to the necessity to organize the body of the government so that it can exist or act, the nation also has an interest in ensuring that public power so entrusted can never become harmful to those who entrust it. Hence the multitude of political precautions that are added to the constitution. These amount to so many essential rules of government, without which the exercise of power would become illegal.²⁸

²⁸When a constitution is simple and well made, precautions can be few in number. In countries where a constitution is complicated or, more truthfully, poorly understood, precautions increase *ad infinitum*. These become an object of study. Constitutions become a science, and their most essential feature, namely their internal organization, gets buried or lost underneath a purely accessory scientific scaffolding.

There is, therefore, a double necessity to subject a government to fixed forms, both internal and external, in order to guarantee its ability to meet the ends for which it was established and to make it incapable of diverging from these ends.

But how, in the light of this, is it possible to claim that the *nation* itself ought to have been given a constitution? The nation exists prior to everything; it is the origin of everything. Its will is always legal. It is the law itself. Prior to the nation and above the nation there is only natural law. To have a proper idea of the sequence of *positive* laws, all emanating solely from the nation's will, the first in order of precedence will be the *constitutional* laws, which will be divided into two parts. Some will regulate the organization and functions of the *legislative* body; others will fix the organization and functions of the various *active* bodies. These laws are said to be *fundamental*, not in the sense that they can be independent of the national will, but because bodies that can exist and can act only by way of these laws cannot touch them. In each of its parts a constitution is not the work of a constituted power but a constituent power. No type of delegated power can modify the conditions of its delegation. It is in this sense, and in no other, that constitutional laws are *fundamental*. The first of these, those that establish the legislature, are *founded* by the national will prior to any constitution. They form its first level. The second should also be established correspondingly, by a *special* representative will. Thus all the parts of a government are answerable to and, in the last analysis, dependent upon the nation. This is no more than a brief sketch, but it is correct.

One can then see quite easily how laws in the proper sense, laws that protect citizens and define the common interest, will be the work of a legislative body formed and moved by the provisions given by its constitution. Although laws of this type appear here as no more than second in order of precedence, they are nonetheless the most important. They are the *end* to which the constitution is no more than the *means*. They too can be divided into two parts: direct or protective laws and indirect or permissive laws. This is not the place to give further development to this analysis.²⁹

We have seen how the birth of a constitution took place in the second epoch. It is clear that it was designed solely for the *government*. It would be ridiculous to suppose that the nation itself was bound by the formalities or the constitution to which it had subjected those it had mandated. If a nation had to wait for a *positive* mode of being in order to become a nation, it would simply never have had an existence. A nation is formed

²⁹It need only be said that the best way not to make sense is to conflate all the parts of the social order and place them all under a rubric headed "constitution."

solely by *natural* law. Government, on the other hand, is solely a product of positive law. A nation is all that it can be simply by virtue of being what it is. It cannot decide by an act of its will to give itself any more or less rights than those that it actually has. In the very first epoch it had all the rights of a nation. In the second epoch, it exercised them itself. In the third, it turned all the rights needed for the preservation and the good order of the community into rights exercised by its representatives. If you stray from this sequence of simple ideas, you will simply stumble from one absurdity to the next.

Government can exercise real power only insofar as it is constitutional. It is legal only insofar as it is faithful to the laws imposed upon it. The national will, on the other hand, simply needs the reality of its existence to be legal. It is the origin of all legality.

Not only is a nation not subject to a constitution, it *cannot* and *should* not be—which amounts to repeating the point that it is not subject to a constitution.

It *cannot* be subject. From who, in effect, could it have received a positive form? Is there any antecedent authority able to have told a multitude of individuals, “I have united you under this set of laws, and you will form a nation under the conditions which I have laid down”? Here we are not dealing with brigandage or domination but with a legitimate association, one that is voluntary and free.

Can it be said that a nation could, by an initial act of will that is truly free of every prescribed form, undertake to will in future only in a determinate manner? In the first place, a nation cannot alienate or prohibit its right to will and, whatever its will might be, it cannot lose its right to change it as soon as its interests require it. In the second place, to whom might a nation thus offer to bind itself? I can see how it can *oblige* its members as well as those it has mandated and everything connected to it. But can it in any sense impose duties on itself? What is a contract with oneself? Since both sides are the work of the same will, it is easy to see that it can always withdraw from the so-called engagement.

But even if it could, a nation *should* not subject itself to the restrictions of a positive form. To do so would expose it to the irretrievable loss of its liberty. Tyranny needs no more than a single moment of success to bind a people, through devotion to a constitution, to forms which make it impossible for them to express their will freely and, as a result, to break the chains of despotism. Every nation on earth has to be taken as if it is like an isolated individual outside all social ties or, as it is said, in a state of nature. The exercise of their will is free and independent of all civil forms. Since they exist only in the natural order, their will needs only to have the *natural* character of a will to produce all its effects. However a nation

may will, it is enough for it to will. Every form is good, and its will is always the supreme law. Since, in conceiving of a legitimate society, we have supposed that every purely natural, individual will has the moral power to form an association, how can we deny that power to an equally natural, *common* will? A nation never leaves the state of nature and, amidst so many perils, it can never have too many possible ways of expressing its will. There is no reason to be afraid of repeating the fact that a nation is independent of all forms and, however it may will, it is enough for its will to be made known for all positive law to fall silent in its presence, because it is the source and supreme master of all positive law.

Although they do not need further proof, there is an even stronger proof of the truth of these principles.

A nation should not and cannot subject itself to constitutional forms because, at the first conflict between the various parts of its constitution, what would become of a nation so disposed and so ordered as to be unable to act in any other way than through the provisions of the disputed constitution? It is worth emphasizing how essential it is in the civil order for citizens to find a branch of the active power readily able to exercise authority to settle their legal differences. In the same way, among a free people the various branches of the active power must have the freedom to appeal to the legislature for a decision in every unforeseen difficulty. But if the legislature itself or the various parts of this primary element of the constitution cannot agree among themselves, who is to be the supreme judge? There is always a need for one because, without one, order will give way to anarchy.

How can it be imagined that a constituted body can decide upon its constitution? One or several of the component parts of a moral body are nothing when taken separately. Power belongs solely to the whole. As soon as a part objects, the whole no longer exists, and if it no longer exists, how can it judge?³⁰ Thus it ought to be recognized that there would no longer be a constitution if, at the slightest dispute between its component parts, the nation did not have an existence independent of all procedural rules and constitutional forms.

In the light of these observations, it should now be possible to answer the question we posed. It is clear that that the various parts of what you take to be the French constitution are not in agreement. Who then is entitled to decide? It must be the Nation, independent as it necessarily is of

³⁰It is said that in England the House of Commons represents the Nation. This is not right. Perhaps I have said so already, in which case I can only repeat that if the Commons alone represented the entire national will, then it alone would form the whole legislative body. Since the constitution has it that it is simply *one* part of *three*, it follows that both the King and the Lords have to be taken to be representatives of the nation.

all positive forms. Even if the Nation had held regular sessions of the Estates-General, it would not be up to this constituted body to pronounce upon a dispute affecting its own constitution. To do so would be a petition of principle or a vicious circle.

The *ordinary* representatives of a people are entrusted with exercising, according to constitutional forms, that portion of the common will that is necessary for good social administration. Their power is confined to matters of government.

Extraordinary representatives have whatever new powers it pleases the Nation to give them. Since a great nation cannot in real terms assemble every time that extraordinary circumstances may require, it has, on such occasions, to entrust the necessary powers to extraordinary representatives. If it really could assemble before your very eyes and express its will, would you dare to challenge that will simply because it was couched in one form rather than another? Here reality is everything and form nothing.

A body of extraordinary representatives is a surrogate for an assembly of that nation. Doubtless it does not need to be entrusted with the *plentitude* of the national will. All it needs is a special power and even this only in rare cases. But it is a surrogate for the Nation in its *independence* from all constitutional forms. Here it is not so necessary to take as many precautions against the abuse of power. Representatives of this kind are deputed to deal with a single matter for a limited time. I emphasize that they are not to be subject to the constitutional forms on which they have to decide. In the first place, this would be contradictory because these forms are in dispute, and it is up to them to settle them. Secondly, they have nothing to say about matters for which positive forms have been fixed. Thirdly, they have been put in the place of the Nation itself as if it was it that was settling the constitution. Like it they are independent. It is enough for them to will as an individual would will in the state of nature. Regardless of how they might have been deputed, how they assembled or deliberated, and provided that no one is ignorant that they are acting by virtue of an extraordinary commission from the people (and how could the nation that entrusted them ever be ignorant?), their common will has the same worth as that of the nation itself.

I do not mean to say that a nation cannot entrust its ordinary representatives with the type of new commission here in question. The same individuals can undoubtedly gather together to form several different bodies and, by virtue of special proxies, successively exercise powers that by nature should not be conflated with one another. But it is still the case that an extraordinary representation has no similarity to an ordinary legislature. Their powers are quite distinct. The movement of the one always accords with the procedural forms and conditions imposed upon it. The

other is not subject to any particular form. It can assemble and deliberate as would the nation itself if, consisting of no more than a small number of individuals, it decided to give its government a constitution. These are not useless distinctions. All the principles just invoked are essential to the social order. That order would not be complete if it came up against a single case where it could not identify rules of conduct able to meet every eventuality.³¹

It is time to go back to the title of this chapter: *What should have been done* amidst the confusion and disputes over the forthcoming Estates-General? Summon the Notables? No. Allow the Nation and its affairs to languish? No. Negotiate with interested parties to get them all to give some ground? No. There should have been recourse to the great means of an extraordinary representation. It is the Nation that should have been consulted.

This means answering two further questions: Where is the Nation to be found? Who is entitled to consult it?

1. Where is the Nation? Where it is. In the forty thousand parishes covering the whole territory, in all the inhabitants and all the contributors to the public establishment—that is where the Nation is to be found. It ought to have been possible to make a territorial division able to produce an initial level of representation by means of the formation of circumscriptions, or *arrondissements*, made up twenty to thirty parishes. These circumscriptions could, following the same plan, have been grouped together to form provinces, and these latter could then have sent a number of genuinely extraordinary representatives to the capital with special powers to determine the constitution of the Estates-General.

You might say that this would have led to too many delays. No more, in truth, than the sequence of expedients that has served only to make

³¹These principles serve to settle the question presently in dispute between Mr Pitt and Mr Fox in England. (*) Mr Fox is wrong not to want the *Nation* to give the Regency to *whomever* and *however* it pleases. What the law does not enact, only the Nation can enact. Mr Pitt is mistaken in wanting to make Parliament decide the question. Parliament is incomplete and null, because the King, its third component part, is incapable of willing. The two Houses can certainly draft a statute, but they cannot *sanction* one. I use this term in keeping with contemporary usage. It should then have been necessary to call for extraordinary representatives from the nation. . . . But nothing of the kind will occur. This would have been the moment to establish a good constitution. But neither the opposition nor the ministry had any such desire. Preference was given to the established forms; however vicious they might be, they are preferred to the finest social order. But then, have you ever seen an infirm old man find solace for his own imminent death, however much the young man who he can see is ready to replace him might be fresh and full of life? It is natural for political bodies, like every living body, to put up as much resistance as they can against the final moment.

matters more muddled. Moreover, it is also a question of adopting the means appropriate to the ends, not simply of spinning out time. If anyone had wanted, or known how, to pay homage to true principles, it would have been possible to do more for the Nation in four months than, even though I take them to be very powerful, the course of enlightenment and public opinion could do in half a century.

But you might say, what would have become of privilege, what would have become of the distinction between the three orders, if the *majority* of citizens had nominated extraordinary representatives? The answer is that they would have become what they should be. The principles outlined here are absolutely certain. Either they have to be recognized or there will be no social order. The Nation is always the master of every reform to its constitution. Above all, it cannot avoid having to give itself one whose provisions are certain when its constitution is in dispute. Everyone can see that now. But you ought to be able to see too that it would be impossible to alter the constitution at all if the Nation was simply one side in the dispute. A body that is subject to constituted forms cannot do anything other than make its decisions according to its constitution. It cannot give itself another one. It ceases to exist as soon as it moves, speaks, or acts otherwise than in the forms imposed upon it. The Estates-General, even if it were assembled, would not therefore be competent to decide anything to do with the constitution. This is a right that belongs to the Nation alone, independently, as we keep repeating, of all forms and all conditions.

The privileged orders, as can be seen, have good reason for trying to muddle principles and ideas in this matter. They intrepidly proclaim now the opposite of what they set forth six months ago. Then there was but one cry in France: we have no constitution and demand that one be established. Now, we not only have a constitution, but, to believe the privileged orders, it also contains two excellent and inviolable provisions. The first is the *division* of the citizenry *into orders*. The second is the *equality of influence* of each order in the formation of the national will. We have already given enough proof of the reasons why, even if all these things really did form our constitution, the Nation would still be the master to change them. What more specifically still needs to be examined is the nature of that *equality* of influence over the national will that, it is said, ought to be attributed to each order. We will now proceed to show that this idea is the most absurd that there is and that no nation could ever put anything like this into its constitution.

A political society can never be anything other than the totality of its associate members. A nation cannot decide not to be the nation it is or choose to be itself in only one particular way, simply because this would amount to saying that it could not be a nation in any other way. In the

same sense, a nation cannot stipulate that its common will should cease to be its common will. It is sad to have to spell out propositions like these, because they look so elementary until some thought is given to their consequences. Thus a nation could never have stipulated that the rights inherent in the common will, namely, the majority, could ever be transferred to the minority. The common will can never destroy itself. It cannot change the nature of things by making the opinion of the minority the opinion of the majority. It is obvious that instead of being a legal or moral act a stipulation like this would be an act of madness.

If it is claimed, therefore, that one of the properties of the French constitution is that two hundred thousand individuals out of a total number of twenty million citizens amounts to two-thirds of the common will; the only answer is that this amounts to claiming that two and two makes five.

Individual wills are the only elements of the common will. It is not possible to deprive the greatest number of individual wills of their right to contribute to its formation or decree that ten wills should have a value of one or that ten others should be worth thirty. To do so is a contradiction in terms and a manifest absurdity.

Reasoned argument is pointless if for a single moment one abandons the self-evident principle that the common will is the opinion of the majority, not the minority. By the latter token, one might just as well take the will of a single person to be the will of the majority, and then there would be no need for an Estates-General or a national will, etc. . . . If the will of a noble is worth ten, why not make the will of a minister worth a hundred, or a million, or twenty six million? With reasoning like that, one might as well send all the Nation's deputies home and impose silence on all popular protestation.

Is it still necessary to insist upon the natural consequences of such principles? It is patently obvious that in any national representation, either ordinary or extraordinary, influence should be in proportion to the number of individual heads that have a right to be represented. To do what it has to do, a representative body always has to stand in for the Nation itself. Influence within it ought to have the same *nature*, the same *proportions*, and the same *rules*.

The conclusion that must follow is that there is perfect agreement between all these principles and that they prove (1) that only an extraordinary representation can alter, or give us, a constitution, and (2) that this constituent representation should be formed without paying any attention to the distinction of orders.

2. Who is entitled to consult the Nation? If we had a constituted legislature, each of its parts would have a right to do so, because recourse to a judge is always open to a litigant or, rather, because anyone carrying out

someone else's will is obliged to consult the author of the initial delegation either to clarify the conditions of the trust or to communicate information about circumstances that call for new powers. But we have been without representatives for nearly two hundred years, always supposing that this is what they were. Since we have none, who can stand in their stead on behalf of the Nation? Who might be able to apprise the people of the need for extraordinary representatives? The answer to the question will be difficult only for those who give the word "convoke" a panoply of English connotations. Here it is not a matter of a royal *prerogative*, but of the natural and simple sense of the word "convoke." The word encompasses *notice* of a national need and an *indication* of a joint meeting place. Now, when great issues of public safety bear down on every citizen, is it likely that there will be much time wasted on finding out who has the *right* to convoke? It is surely rather a matter of asking who does not have the right? It is the sacred *duty* of everyone able to do anything. This is all the more reason why it ought to be open to the executive power to do so. It is much better placed than ordinary individuals to alert the generality of citizens, and it is also able to indicate a meeting place and eliminate all obstacles placed in its way by factional interest. It is also certain that, in his quality as First Citizen, the Prince is more interested in convoking the people than anyone else. If deciding upon the constitution is not within his competence, it cannot be said that he does not have the competence to bring such a decision about.

Thus there is no difficulty at all in answering the question, what should have been done? The Nation ought to have been convoked to depute a set of extraordinary representatives to the capital with a special mandate to draft the constitution of an ordinary National Assembly. I would not have wanted these representatives to have been given any power to become, under any other quality, an ordinary assembly, in keeping with the constitution that they themselves had established. I would have been fearful that instead of working solely for the national interest, they would have paid too much attention to the interest of the body that they were about to form. In politics, mixing up and conflating power is what constantly makes it impossible to establish social order on earth. Inversely, by separating what should be distinct, it will be possible finally to solve the great problem of establishing a human society arranged for the general advantage of those who compose it.

One might ask why I have taken so long to deal with *what should have been done*. The past, it will be said, is past. My answer is, firstly, that knowledge of what should have been done can lead to knowledge of what will be done. In the second place, it is always good to set out principles that are true, especially on a subject so new for most minds. Finally,

the truths set out in this chapter will serve the better to explain those in the one to follow.

Chapter Six

What Remains to Be Done.

A Development of Some Principles

The time has passed when the three orders, thinking only of defending themselves against ministerial despotism, were ready to unite against the common enemy. Although it is clearly impossible for the Nation to draw any useful benefit from present circumstances or take a single step towards a genuinely social order unless the Third Estate is also a beneficiary, the mere sight of the call by the Kingdom's great municipalities for the least significant part of the political rights belonging to the people has inflamed the pride of the first two orders. Can the privileged orders really imagine that they can display so much ardor in defending rights that they have to the point of superfluity and yet be prepared to prevent the Third Estate from obtaining what, in this area, is simply bare necessity? Can they really believe that the prize of a long-promised regeneration should be theirs alone and that the long-suffering people are simply theirs to be used as no more than a blind instrument for extending and consolidating their own aristocracy?

What will future generations say when they learn of the kind of fury addressed by the second order of the state and the first order of the clergy to the demands of the towns? How will they be able to give any credence to the occult and open leagues, the feigned alarms³² and the perfidy of the

³²It is only too amusing to see the majority of nobles forcing themselves to travesty protests that at the bottom of their hearts they fear as being favourable to despotism, as an insurrection against royal authority. They are not at all afraid of depicting the unfortunate Third Estate, which they deny has any energy of its own and whose courage they explain in terms of maneuvers by the ministry itself, as a band of *rebels* against the king. Among themselves the nobles say that nothing is more dangerous to liberty than the language of the Third Estate, because it looks too much like the following: "Sire, do with us what you will, provided that you do not leave us to be devoured by the aristocrats." At the same time, they say to the king, "The people have their eyes on your throne; take care, they are aiming to overthrow the monarchy." With that kind of an attitude, why not simply undertake to excite a populace that is always blind and always superstitiously responsive to any movement it pleases the aristocracy to give it? At least it would spare them the trouble of having to say "*That is your Third Estate.*" But honorable men everywhere will then be able to reply, "*Those are your aristocrats!*" How easy it would be for us to become the first nation in the world, namely the freest and most happy, if there were no aristocrats!

maneuvers in which the defenders of the people have been embroiled? Nothing will be forgotten in the authentic accounts now being prepared for posterity by patriotic writers. All will be revealed about the *noble* conduct shown by those magnates of France in conditions that were ready made for inspiring a measure of patriotic sentiment even among those most absorbed in their own egoism. How could the princes of the reigning house have decided to take part in a quarrel between the orders of the state? How could they have allowed a miserable group of hired pens to load the unbelievable memorandum published in their name with the mixture of atrocious and ridiculous calumnies that they have spewed out?(*)

There has been an outcry about the violence of some of those who have written on behalf of the Third Estate. But how much importance should be attached to the style adopted by an isolated individual? None. Legal, properly authenticated demands by the Third Estate are to be found in the petitions by the municipalities and some of the provinces with their own estates.(**) Compare them to the equally authenticated demands of the princes against a people that took the greatest possible care not to attack them. What modesty; what restraint by the latter! What violence; what profound iniquity by the former!

It is pointless for the Third Estate to expect joint action by the three orders to restore its *political* rights and all its *civil* rights in their full entirety. The fear of seeing abuse reformed has inspired more of a feeling of alarm than a desire for liberty among the aristocrats. Faced with a choice between liberty and a few odious privileges, they have opted for the latter. The privileged soul has aligned itself with the favors granted to servility. They are as afraid of the Estates-General today as they were once so vigorous in calling for them. As far as they are concerned, everything is fine. Their only cause for complaint is the spirit of innovation. Nothing, it seems, is now wanting. Fear has given them a constitution.

In the light of these changes in matters and moods, the Third Estate has to see that it has to rely solely upon its own vision and courage. Reason and justice are on its side. It ought to aim, at the least, to secure their full support. The time for working for conciliation between the parties is over. What hope of agreement can there be between the energy of the oppressed and the fury of the oppressor? It is they who now have dared to launch the word "secession" and use it as a threat against both the King and the People. Ah! Dear God, how happy a day it would be for the Nation if that great and desirable secession was to be accomplished and made final. How easy it would be to do without the privileged orders! How difficult it will be to induce them to become citizens!

Those aristocrats who were the first to attack do not seem to have realized how big a mistake they were making by raising certain questions.

Truth can be left to slumber among a people accustomed to servility. But once the attention has been awakened and a choice between truth and error has to be made, the mind turns as readily towards truth as healthy eyes turn naturally towards the light. In matters of morality, moreover, even a little light leads, like it or not, to equity, because truth, in matters of morality, is connected to rights. Knowledge of rights awakens a feeling for rights and a feeling for rights serves to revive, in the depths of the soul, that wellspring of liberty that, among European peoples, has never entirely run dry. One would have to be blind not to see how happily our Nation has grasped some of those fertile principles that lead to everything that is good, just, and useful. It is no longer possible to forget them or contemplate them with sterile indifference. In this new state of affairs, it is natural for the oppressed classes to have a more lively feeling for the need to restore good order. It is they who have the most interest in bringing men back to justice, the first of all the virtues, the virtue has been exiled for so long from earth. This means that it is the Third Estate that will have to make the greatest effort and almost all the initial outlay needed for the work of national restoration. Due warning must be given, moreover, that if things cannot be made better, there can be no question of simply leaving them as they are. Circumstances do not allow for that kind of cowardly calculation. The choice is either to advance or retreat. If you are not prepared to proscribe the mass of iniquitous and antisocial privileges, then you will have to choose to accept them and make them legal. But the blood boils at the mere thought that at the end of the eighteenth century it could be possible to give a *legal sanction* to the abominable fruit of feudal abomination. There once was a time (and, unhappily, it was a long time) when the impotence of the Third Estate would quite rightly have led patriots to shed a tear or heave a sigh. But if it were to seal its own misfortune now; if, at the very moment when it can do something, it were to subject itself voluntarily to abjection and opprobrium, with what sort of names and feelings would it not deserve to be castigated? If it is right to commiserate with the weak, it is also right to despise the coward. Better still to dismiss this image of a final misfortune that cannot now be conceived, presupposing as it does the most vile baseness among twenty-five million men.

While the aristocrats talk of their honor and attend to their interests, the Third Estate—namely, the Nation—will develop its virtue, since virtue is to the national interest what egoism is to the interest of a corporate institution. Nobles may be left to find some consolation for their dying vanity by taking pleasure in insulting the Third Estate with the most insolent terminology of the feudal language. But the more they repeat terms like *commoner*, *boor*, or *villein* the more they forget that, what-

ever they mean now, they are either foreign to the Third Estate as it is today or are common to all three orders, forgetting as they also do that when these terms really did mean something correct, ninety-nine out of a hundred nobles were indisputably *commoners*, *boors*, and *villeins*, while the others, necessarily, were brigands. Try as the privileged orders may want to close their eyes to the revolution produced by the force of circumstance and the passage of time, it is no less real. Once upon a time, the Third Estate consisted of serfs and the noble order was everything. Today, the Third Estate is everything and nobility is simply a word. But behind the word, and purely because of the influence of a false opinion, a new and intolerable aristocracy has insinuated itself illegally into its present position and the people have every reason not to want any aristocrats.³³

In these circumstances, what does Third Estate need to do if it wishes to put itself in possession of its political rights in a way that is useful to the Nation? There are two possible courses of action.

In the first of these, the Third Estate should meet separately. It will not assemble with the clergy or the nobility and will not vote with them either by *order* or by *head*. It is vital to insist upon the enormous difference between an assembly of the Third Estate and those of the other two orders. The former represents twenty-five million individuals and is charged with deliberating upon the affairs of the Nation. The latter, even if they unite, have been entrusted with powers by about two hundred thousand individuals and are concerned solely with their privileges. The Third Estate, it is said, cannot form the *Estates-General* all by itself. Very

³³NO ARISTOCRACY ought to be the rallying cry of all the Friends of the Nation and good order. The aristocrats might imagine that they can reply by calling for NO DEMOCRACY. But we too can call for no democracy against them. These gentlemen seem to be ignorant of the fact that representatives are not democrats and that since a genuine democracy is impossible among a numerous people, it is mad either to believe in it or appear to fear it. But a false democracy is, alas, only too real a possibility. It can be found among a caste that imagines that by right of birth or any other ridiculous title independent of the peoples' proxy it is entitled to all the *powers* exercised by the body of citizens in a genuine democracy. This false democracy and all the evils it brings in its wake are to be found in a country which is said and held to be a monarchy, but one in which a privileged caste has usurped the monopoly of government, place, and position. It is this feudal democracy that is the one to be feared, which never ceases to provoke vain terrors to preserve its great importance and which hides both its incapacity for the good under the guise of being an *intermediary body* and its power for harm under the imposing authority of the aristocrat Montesquieu. It will be obvious to anyone who can think that a caste of aristocrats, however much the most stupid of prejudices might decorate it, is as opposed to the authority of monarchy as it is to the interests of the people.

well! So much the better! It will form a *National Assembly*.³⁴ A recommendation of this importance needs to be justified with all the certain and clear reasons that true principle can supply.

I have emphasized that the deputies of the clergy and the nobility have nothing in common with the national representation, that no alliance is possible between the three orders in the Estates-General, and that, not being able to vote in *common*, they cannot vote either by *order* or by *head*. At the end of the third chapter an undertaking was given to prove that this was true, so that right-minded people could hasten to disseminate it publicly.

According to a maxim of universal law, there is *no greater deficiency than a deficiency of power*. It is clear enough that the nobility has not been mandated by the clergy or the Third Estate. The clergy does not carry a mandate from the nobility or the commons. It follows that each order is a distinct nation and is no more competent to interfere in the affairs of the other orders than, for example, the Dutch Estates-General or the Council of Venice might be entitled to vote in the proceedings of the English Parliament. Anyone acting with a power of attorney can bind no more than his principals, just as a representative has a right to speak only on behalf of those he represents.³⁵ If it is impossible to understand this, one might as well annihilate every principle and give up on reasoned argument.

³⁴There are considerable advantages in having the legislative power exercised by three bodies or chambers rather than by a single chamber. But it would be an extreme folly to make up these three chambers of three *orders* that are enemies to one another. The correct solution is to separate the representatives of the Third Estate into three equal divisions. Under this arrangement, there would be the same mission, common interest, and objective. This comment is addressed to those who, captivated by the idea of *balancing the parts of the legislative power*, imagine that nothing is better suited for this purpose than the English Constitution. Is it impossible to welcome the good without adopting the bad? As has already been pointed out, the English have but one order, or rather have none, so that by making our legislative balance consist of different orders it would—and it cannot be emphasised too strongly—be infinitely more vicious than that of our neighbours. There is an important subject of research to be carried out in identifying the principles that ought to govern the formation of legislative chambers to enable them to avoid missing the *common* interest and instead secure it by way of a just balance between the great responsibilities that are its essence. It is a question we will deal with elsewhere.

³⁵We should, nonetheless, refrain from calling for the unification of the three orders in every bailiwick (*bailliage*) in order to elect deputies in common. This proposition looks as if it is a solution to the problem raised here, but it needs to be seen as extremely dangerous for as long as no start is made in establishing equal *political* rights. It is essential for the Third Estate not to allow itself to countenance any move by which it might be made to recognise a *distinction* of orders and an absurd victory by the minority over the largest majority. Any such imprudent conduct would be as harmful to its interests, which are those of the Nation, as it would contradict the most simple rules of arithmetic and sound policy.

It should now be possible to see that according to the rules of ordinary logic it is perfectly useless to try to find a ratio or proportion by which each order should contribute to the formation of the general will. It cannot be a single, *unified* will as long as there are three orders and three sets of representatives. At the very most, the three assemblies might be able to join together to express the same wish, just as three allied nations can form the same desire. But they can never be turned into *one* nation with *one* representation and *one* common will.

I can sense that these truths, however certain they might be, are likely to provoke something like embarrassment in a state which was not formed under the auspices of reason and political equity. Nothing, however, can be done about this. If the house that you built is held together by all sorts of artificial devices and supported by a forest of scaffolding put in place without any other taste or design than to prop up its various parts as and when they threaten to fall down, then you will either have to rebuild it or resign yourself to living, as they say, from one day to the next, constantly short of ease or comfort and perpetually anxious about being finally crushed under its debris. Everything in the social order is connected. If you neglect one part, the others will not be exempt. If you begin with disorder, you will soon necessarily experience its effects. These consequences are necessary. If it were as possible to gain as much from injustice and absurdity as from reason and equity, what would be the advantage of the latter?

You might well cry in triumph that if the Third Estate was to assemble separately to form a National Assembly, and not any so-called *General* version of the three estates, then it would be no more competent to vote for the clergy and the nobility than these two orders would be entitled to deliberate on behalf of the people. But take note, as has already been pointed out, that the representatives of the Third Estate will undoubtedly have been mandated by the twenty-five or twenty-six million individuals who make up the Nation, apart from some two hundred thousand nobles or priests. This is quite enough for them to be able to give themselves the title of a National Assembly. They will, therefore, be able to deliberate without any difficulty on behalf of the whole Nation, minus two hundred thousand heads.

On the basis of this assumption, the clergy would still be able to assemble to discuss its voluntary fiscal donation to the royal treasury, and the nobility could adopt some sort of means to present its subsidy to the king. To ensure that arrangements peculiar to the two orders could never become a burden upon the Third Estate, it would begin its own proceedings by issuing a clear and firm declaration that it would not pay any tax that was not also born by the other two orders. It would agree to approve any subsidy only on this condition, and even after the amount had

been fixed, it would not be levied on the people if it became apparent that the clergy and the nobility had found any possible pretext for exempting themselves.

Despite appearances, this arrangement might be as good as any other for gradually bringing the Nation back to social unity. At the least it might serve at once to lift the danger hanging over the country. How can the people not be panic-stricken at the sight of two privileged bodies, and perhaps part of a third, seeming to be disposed in the guise of the Estates-General to determine its future and subject it to a fate as immutable as it would be unhappy? It can never be too just to dispel the fears of twenty-five million individuals, and when there has been so much *talk* of constitutions, there ought to be some evidence, based on principle and conduct, of knowing and respecting their most basic elements.

It is certain that the deputies of the clergy and the nobility are not the representatives of the Nation. They are, therefore, incompetent to vote on its behalf.

If you were to allow them to debate on matters of general interest, what would be the result?

1. If votes were taken by *order*, it would mean that twenty-five million citizens could decide nothing for the general interest, because this might displease a hundred or two hundred thousand privileged individuals or, in other words, that the will of over a hundred individuals would be subject to a veto and could be blocked by the will of a single person.

2. If votes were taken by *head*, with each privileged and non-privileged vote having an equal weight, this would still mean that the will of two hundred thousand individuals would match those of twenty-five million, because they would have an equal number of representatives. But is it not monstrous to compose an assembly in such a way as to enable it to vote in favor of the interest of a minority? Surely this must be the *reverse* of an assembly?

In the previous chapter, we have already established the need to define the *common* will as the view of the majority alone. This maxim is indisputable. It follows that in France the representatives of the Third Estate are the true custodians of the national will. They alone can speak in the name of the whole Nation without error. Even if it is supposed that all the privileged votes were to be added together unanimously against the voice of the Third Estate, they would still be unable to match the majority produced by deliberations within that order itself. According to the proportions that have been fixed, each deputy of the Third Estate stands to vote in the place of about fifty thousand people. Thus, all that would be needed would be to stipulate that a majority would be half of the commons, plus five votes, for the unanimous votes of the two hundred thou-

sand nobles or priests to be covered by these five votes and thus to become indifferent as far the outcome is concerned. Note that on this assumption no attention has been paid to the fact that the first two orders are not representatives of the Nation, although it is still assumed that if they were to sit in a proper National Assembly with an influence commensurate with their number, they would still vote consistently against the majority. Even here, it is still obvious that their view would be swallowed up in the minority.

This is quite enough to demonstrate why the Third Estate is obliged to form a National Assembly on its own and to authorize its claim in reason and equity to be able to deliberate and vote on behalf of the whole Nation without any exception.

I know that such principles will not be to the taste of even some of those members of the Third Estate who have been among the most resourceful in defending its interest. So be it—provided that it is agreed that I have begun with correct principles and have followed a proper logic as I have proceeded. It should be added that, by separating itself from the first two orders, the Third Estate cannot be accused of carrying out a *secession*. This imprudent expression and the sense it contains should be left to those who used it first. A majority cannot, as a matter of fact, separate itself off from the whole. This would be a contradiction in terms. To do so it would have to separate itself from itself. Only a minority has the property of being unwilling to subject itself to the will of the largest number and, as a result, of carrying out a secession.

But in showing the Third Estate the full extent of its resources or, rather, its rights, it is not our aim to exhort it to use them to the full.

I mentioned above that the Third Estate has two ways to put itself in possession of the place in the political order that is its due. If the first of these, as I have just described it, seems rather too abrupt; if it should seem that the public needs time to become accustomed to liberty; if it is believed that national rights, however obvious they may be, need, if challenged by even the tiniest number; to be given some sort of legal approval and, so to speak, be consecrated and made fixed by some ultimate sanction; then all this is entirely acceptable. What it implies is an appeal to the Nation, the only judge competent to hear disputes affecting the constitution. This is the second course of action open to the Third Estate.

Here we need to recall what was said in the previous chapter, both about the necessity to *constitute* the body of ordinary representatives and about the need to entrust this great work solely to an extraordinary deputation invested with ad hoc special powers.

It cannot be denied that in the forthcoming Estates-General the chamber of the Third Estate has full competence to convoke the kingdom by

way of an *extraordinary representation*. It is its responsibility above all else, therefore, to expose the falsity of the existing French constitution to the generality of citizens. It is its responsibility to complain as loudly as possible that an Estates-General made up of several orders cannot be anything but a badly organized body, unable to perform its national functions. It is its responsibility at the same time to demonstrate the need to give special powers to an extraordinary deputation so that, through clearly defined laws, it can then draft the constitutional forms of its legislature.

Until then, the order of the Third Estate will suspend not its preparatory proceedings but the full exercise of its power. It will not enact anything definitively. It will wait until the Nation has pronounced its verdict in the great trial dividing the three orders. This, I acknowledge, is the course of action that is most in keeping with the dignity of the Third Estate. It is the most straightforward and the most magnanimous.

The Third Estate should, therefore, conceive of itself in two ways. Under the first of these conceptions it will think of itself as only an *order*. From this perspective there will be no point in entirely unsettling the prejudices of ancient barbarism. The Third Estate will continue to recognize two other orders in the State without, however, crediting them with any more influence than is compatible with the nature of things. It will show them every possible regard by agreeing to leave its own rights in doubt until the decision by the supreme judge.

Under the second conception the Third Estate is the *Nation*. In this quality its representatives will form the whole National Assembly and will have all of its powers. Since they are the *only* trustees of the general will, they do not need to consult those who mandated them about a disagreement that does not exist. If it is their responsibility to call for a constitution, they will do so with one accord. Doubtless they will always be willing to subject themselves to the laws it may please the Nation to give them. But they do not need to refer any possible question arising from the plurality of orders to the Nation. As far as they are concerned, there is but one, single order, or rather there are none, because there is only the Nation for the Nation.

Convening an *extraordinary* deputation to settle, above all else, the great matter of the constitution or, at the least, investing one deputation with a new, special power, as has been explained above, is therefore the surest way to put an end to present dissension and prevent the possibility of trouble within the Nation. Even if there were nothing to fear, it would still be a necessary measure to take because, whether or not we remain calm, it is impossible for us to continue without knowing and taking possession of our political rights. The need to do so will be seen to be all the more pressing if it is recognized that political rights are the only guaran-

tee of civil rights and individual liberty. Readers are invited to give this proposition careful thought.

If I had undertaken solely to set out certain courses of action, I would end this memorandum on the Third Estate here. . . . But I also intended to examine certain principles. This involves pursuing the interests of the Third Estate up to the moment when public discussion of the true *composition* of a national assembly is likely to occur. In fixing the legislative constitution, should the extraordinary representatives pay any attention to the odious and impolitic *distinction* of orders? This is not a matter of issues or power but of the laws determining the composition of the individual membership of elected deputations. In addition to citizens, should any elected deputation contain nobles and priests by virtue of any other entitlement than that of ordinary citizenship? Should they above all be allowed to exercise separate, superior rights on the basis of this entitlement? These are important questions that should, at the least, be treated only after setting out true principle.

The first requirement is to have a clear idea of what the *object* or *goal* of the representative assembly of a nation should be. That *object* cannot be different from the one that the nation would have proposed to itself if it were able to gather and confer in a single place.

What is a nation's will? It is the product of individual wills, just as a nation itself is the result of individuals assembling together. It is impossible to conceive of a legitimate association whose objects are not common security, common liberty, and a public establishment. Doubtless, every individual also has individual goals and will say to himself, "I can go about my own affairs and find happiness in my own way under the protection of a common security, sure in the knowledge that the only legal limits to my desires will be those prescribed to me by society for a common interest in which I have a share and with which my own private interest has made so useful an alliance."

In the light of this, is it conceivable that any member of a general assembly could be mad enough to say, "You are not here to deliberate upon our common affairs, but to attend to mine in particular and those of a little clique that I have formed with some among you?"

Simply to say that members of an association gather together to decide how to deal with matters of *common* concern is all that needs to be said about why they decided to join it. It is so self-evident a truth that any further proof is tantamount to undermining it. The object of an assembly is simply this: common affairs.

At this particular juncture, however, it may be worth thinking about how all the members of a national assembly might be able to join their individual wills together to form a common will that should be synonymous with the public interest.

In the first instance, it is worth examining the mechanism or political process in question in the most favorable circumstances, namely, one in which the strength of public opinion makes it impossible for anyone in the assembly to exhibit anything other than the common interest. Prodigies of this kind have happened in different places, but none has lasted very long. It would be a grave misjudgment of human nature to entrust the destiny of societies to the endeavors of virtue. What is needed instead is for the nation's assembly to be constituted in such a way as to ensure that individual interests remain isolated and the will of the majority cleaves consistently to the public good even during those long periods when public manners are in a state of decadence and egoism seems to be the universal rule. This can be assured if the constitution is generally supported.

There are three types of interest to be found in the human heart: (1) The one by which citizens resemble one another—this is the measure of the common interest. (2) The one by which an individual allies himself with no more than a number of others—this amounts to factional interest. (3) The one by which each individual separates himself from the rest, thinking solely of himself—this is self-interest.

The interest that makes one man join together in concord with all his coassociates is, obviously, the *object* of the common will and the aim of the common association.

But each voter will also bring his other two interests to every assembly. This is unavoidable. Self-interest, however, is not to be feared. It is isolated. Everyone has his own. Its very variety is its own solution.

The real problem thus arises from that interest by which one citizen combines with no more than a small number of others. It is this interest that makes for combinations and leagues. It is the source of projects that are a danger to the community. It is the cradle of the most redoubtable public enemies. History is full of evidence of this sad truth.

It should not be surprising, therefore, that the social order should require such rigor in preventing private citizens from becoming members of corporate bodies and that it should even withhold eligibility for election to the legislature to those entrusted with public authority, because, by the nature of things, they alone will be members of collective bodies.

In this way and in no other can the common interest be sure to prevail over private interests.

These conditions—and these alone—suffice to explain what is needed to secure the possibility of founding human associations for the general advantage of their members and, as a result, to explain the *legitimacy* of political societies.

This is the way, and the only way, to find a solution to the problem outlined above, namely, how to ensure that *in a national assembly individual*

interests will be isolated, while the will of the majority will always cleave to the general good.

Consideration of these principles shows how essential it is to organize or constitute the representative assembly in terms of a plan that leaves it with no room to develop a spirit of its own and degenerate into an aristocracy. Hence the importance of those fundamental maxims (outlined in sufficient detail elsewhere)³⁶ by which a third of the membership of the representative assembly should be renewed every year while those at the end of their term should not be eligible for reelection until a sufficient period of time has elapsed to enable the greatest possible number of citizens to take part in public affairs, something that would not occur if eligibility were ever to come to be seen as the property of a certain number of families, etc., etc.

But if, instead of respecting the basic notions enshrined in such clear and certain principles, a legislator himself were to create corporate bodies within the state and to recognize those that have been formed and underwrite their existence with his power; and if he were then to invite the greatest, most privileged, and, consequently, most harmful of these to become a part of the national representation under the name of an *order*; it would begin to look like there really is a principle of evil responsible for wrecking, ruining, and overturning everything in human affairs. All that would then be needed to crown and confirm this social disorder would be to give these ghastly *guilds* a real predominance over the great body of the Nation. But it is exactly this that it would be possible to accuse such a legislator of having done to France, even though it would be more natural to impute most of the evils to have befallen this proud kingdom to the blind course of events or to the ignorance and ferocity of our ancestors.

We know what the veritable *object* of a national assembly should be. It is not designed to be concerned with the private affairs of particular citizens but with the whole mass of citizens seen from the point of view of the *common* interest. The natural consequence of this proposition is that the right to be *represented* belongs to citizens only in respect to what they have in common and not to what serves to differentiate them.

Those assets and advantages that serve to differentiate citizens among themselves fall *beyond* the quality and character of citizenship. Inequalities of property and industry are like inequalities of age, sex, height, color, etc. These do not infringe upon civic *equality*, because rights of citizenship cannot be attached to such differences. Doubtless, *individual* advantages like these enjoy the protection of the law. But the legislator has no

³⁶See the *Views of the executive means*, Section III.

part in creating differences of this nature or in conferring privileges on some and withholding them from others. The law confers nothing. It protects what is, up to the moment when what is becomes harmful to the common interest. Then and only then are there limits to individual liberty. I like to conceive of the law as if it is at the center of an immense globe. Every citizen, without exception, is at an equal distance from it on the circumference the globe, and each individual occupies an equal place. Everyone depends equally upon the law; everyone offers it his liberty and property to protect. This is what I mean by the *common rights* of citizens, insofar as it is this that makes them all resemble one another. These private individuals all have dealings with one another. They make their arrangements and engagements with each other, always under the common safeguard of the law. If, within this general activity, anyone were to wish to dominate his neighbor's person or usurp his property, the common law would repress the attempt. But it cannot prevent anyone from increasing his property with anything that favorable chance or rewarding labor might add to it, either according to his natural and acquired faculties or to the vagaries of fortune; nor, unless it involves overstepping legality, can it prevent anyone from aspiring to find or build a happiness that is in keeping with his taste and that is also the most to be envied. By protecting the common rights of every citizen, the law protects each citizen in all that he may want to be, up to the moment at which his actions infringe the rights of others.³⁷

Perhaps I am returning to the same ideas a little too much. But I do not have time to reduce them to their most perfect simplicity, and in any event it is not a good idea to be too concise in dealing with notions that have been all-too-readily forgotten.

Those interests by which citizens resemble one another are therefore the only ones that they can treat in common, the only ones by which and in whose name they can demand political rights or an active part in the formation of the social law. They are therefore the only ones that make a citizen someone who can be *represented*.

It is not, therefore, because one is *privileged* but because one is a *citizen* that one has a right to elect deputies and to be eligible for election. Everything belonging to citizens, I repeat, whether it is a common or an

³⁷I do not propose to make any effort to refute that miserable species of sometimes amusingly nonsensical but always despicably intended verbiage put about by little men and little women about that terrifying word *equality*. Such malevolent childishness may well have its moment, but once that moment has passed a writer would be very ashamed indeed to have turned his pen to refuting drivelling so pitiful as to astound even those who now repeat it, leading them then to say disdainfully, "But this writer must take us to be fools!"

individual advantage (provided that it does not offend the law), has a right to protection. But since the social union could have been formed only by the links between those points that its members had in common, it is this common quality alone that serves to give legislation its lawful character. It follows from this that any particular corporate body's interest, far from having an influence in the legislature, can only arouse its suspicion. It will always be as opposed to the object of a body of representatives as it will be alien to its purpose.

These principles become even more rigorous when it is a matter of dealing with *privileged orders*. I take "privileged" to mean anyone who falls outside the provisions of the common legal system either because he claims not to be subject to common legality *at all* or because he claims to have *exclusive* rights. We have provided sufficient proof of the fact that any privilege is by nature unjust, odious, and contrary to the social pact. A privileged class is to the Nation what individual advantages are to the citizen. Like them, it is not *something that can be represented*. But even this is not quite enough. A privileged class is to the Nation what *harmful* individual advantages are to the citizen. The legislator does his duty in suppressing them. The parallel also serves to reveal a final difference, which is that an individual advantage that is harmful to others is at least useful to its owner, while a privileged class is a pestilence upon the nation that is forced to suffer its existence. To make the comparison more exact, one would have to compare a privileged class in a nation to a frightful disease devouring the living flesh of the body of its unhappy victim. With this in mind, it is easy to see why a privileged class might feel a need to cloak itself in all the *honorable* distinctions it can find.

A privileged class is therefore harmful not only because of its corporate spirit but simply because it exists. The more it has been able to obtain of those favors that are necessarily opposed to common liberty, the more it is essential to exclude it from the National Assembly. Anyone privileged is entitled to be *represented* only on the basis of his quality as a citizen. But for him that quality has been destroyed. He is outside the civil order and an enemy of common legality.³⁸ To confer a right to be represented upon him would be a manifest legal contradiction. The Nation could have agreed to do so only as an act of servility, which is something that cannot be supposed.

Although it has been shown why anyone mandated to enforce the executive's active power should be neither an elector nor eligible for election to the legislative representation, this should not be taken to mean

³⁸See the *Essay on privileges*.

that he should cease to be considered to be a true citizen. In terms of his personal rights he is as much of a citizen as anyone else, and, far from destroying his civic quality or affronting others' civic sense, those necessary and honorable functions that set him apart were established to serve those very qualities. If nonetheless it is necessary to suspend the exercise of his political rights, how much more so must it be for those who, scorning the provisions of common legality, consist of those for who the Nation is a foreign country, of those whose mere existence is tantamount to a continuous state of hostility towards the great body of the people? It is indisputable that these latter, having renounced the very character of citizenship, ought, more certainly than a foreigner, to be denied the right to elect or to be eligible. At least a foreigner's overt interest may well not be opposed to your own.

To sum up, it is a matter of principle that everything that falls outside the common attributes of citizenship cannot give rise to an entitlement to exercise political rights. A people's legislature can be charged only with providing for the general interest. But if privileged individuals enjoy an estate that makes them the enemy of the common order, not the beneficiaries of simple distinctions that are almost indifferent to the law, then they should be positively excluded. They can be neither electors nor eligible for election for as long as their odious privileges exist.

I know that such principles will seem *extravagant* to most readers. Truth must seem as strange to prejudice as prejudice must seem to truth. It all depends. If my principles are sure and my consequences correctly deduced, I am content.

But it might still be said that all these things are absolutely impracticable at the moment. In which case, I undertake not to practice them. My own role is that of every patriotic writer, namely, to publish the truth. Others, according to opportunity and their ability, will find ways to approach it or, by acting in bad faith, to stray from it, and then we will have to suffer what we cannot prevent. If everyone were to think *correctly*, even the greatest changes would not be difficult once it was obvious that they offered the prospect of some object of public utility. What better can I do than help with all my strength to disseminate what is true as the way to prepare the ground? Initially, this may not be well received. Gradually, however, it will come to be accepted; public opinion will take shape and principles that at first were taken to be wildly illusory will finally come to be felt to be entirely practicable. With almost every kind of prejudice, if writers were not at first willing to be described as *mad*, the world today would be very much the less *wise*.

It is not difficult to come across those who for reasons of moderation argue that the truth is best laid out *piecemeal* and that it is better to ration

its availability. I am not sure whether they understand what they are saying. What is certain is that they do not give enough consideration to the difference between the duties required of an administrator and those required of a philosopher. The former proceeds as he can. Provided that he does not stray from the right path, he deserves nothing but praise. But the path itself has to be cleared right to the end by the philosopher. He has to get to the very end; otherwise he cannot be sure that it is truly the right path.

If he insists on stopping me when and where he pleases because it seems prudent, how can I be sure that he is guiding me properly? Should I simply take his word? But blind faith is not a part of any rational order.

To put matters bluntly, uttering no more than one word at a time looks more like wishing and hoping to lay a trap to surprise one's enemy. I have no inclination to discuss whether even among private individuals plain dealing is not also the most intelligent policy, but it is certain that the arts of dissimulation and any of those other kinds of sophisticated conduct held to be the fruit of human experience are the purest folly when it comes to national affairs that are being publicly discussed by so many real, well-informed interests. Here, the best way to make matters progress is not to hide what the enemy knows just as well as we do, but to convince the majority of citizens of the justice of their cause.

It is false to imagine that the truth can be divided up and separated into isolated parts to make it easier for it to enter the mind *piece by piece*. In point of fact, minds often need a sharp shock. Truth can never have too much light to make the kind of deep impression needed to engrave it forever in the depths of the soul, the kind of impression from which that passionate *interest* in what is true, beautiful, and useful is born. Note that in the physical world light is made by reflection, not by a direct ray, and in the moral world it consists of the relationships between, and the totality of, all the truths pertaining to a subject. In the absence of that totality, one is never likely to feel sufficiently illuminated and one often believes that one has found a truth which then has to be dropped once a subject has been given fuller thought.

It is a miserable idea of reason's progress to imagine that an entire people can remain blind to its real interests and that the most useful of truths, locked away in only a few thoughtful heads, should be made public only as and when a skillful administrator needs to reveal them to ensure the success of his operations! In the first place, it is a way of thinking that is false because it is one that is impossible to put into practice. It is also pernicious, because it ought to go without saying that truth can only gradually reach its appointed place in so enormous a mass as a nation. There is always too much time to lose. Is it not better to give those who may be

unsettled by truth the time to become accustomed to it, and better too to give the young who receive it so avidly the time to become something, and better also to give the old the time to pass away? Is it necessary, in short, to wait for the harvest before starting to sow?

Reason, moreover, is not at ease with secrecy. Only when it is spread most widely is it able to perform its powerful work. Only when it is able to strike everywhere is it able to strike true, because it is then that public opinion comes to be formed, and it is to public opinion that the majority of those changes that have been genuinely advantageous to peoples everywhere should probably be attributed, and it is why it alone has the property of being useful to a free people.

You might yet say that minds are still not ready to understand you and that you are bound to offend a large number of people. So be it. The truth that it is most useful to publicize will not be the one that is already almost visible and almost ready to be accepted. On the contrary, it is precisely a truth that offends the most prejudices and the most personal interests that is the one that it is most essential to spread.

Not enough attention is paid to the fact that the prejudice which should be handled with the greatest care is one that is joined to good faith and that the most dangerous personal interest to arouse is one reinforced by a feeling that, in good faith, one has right on one's side. It is essential to deprive the Nation's enemies of that resource. It is essential to condemn them to a *debilitating* awareness of acting in bad faith by disseminating the light of reason.

Those inclined to moderation, to whom these remarks are addressed, will cease to feel apprehension about the fate of truths that they call premature once they cease to confuse the measured and prudent conduct of the administrator who is capable of spoiling everything unless he can foresee the obstacles with the freedom and imagination of the philosopher whose ardor is excited yet further at the sight of every difficulty. It is not his task to compromise with these. The more that minds are encrusted with feudal barbarism, the more he is obliged to lay out true social principles.

When the philosopher clears a path, his sole concern is with *error*. To proceed he has to eliminate it without mercy. The administrator comes later. He has to confront *interests*. These, I acknowledge, are more difficult to face. They call for a new kind of talent and a rarer species of science, quite different from the simple meditations of the studious man. But let there be no mistake—they are even more different from the artifice of a certain kind of minister who takes himself to be an administrator simply because he is not a philosopher.

To be just, it should also be acknowledged, on the other hand, that the speculations of the philosopher do not always deserve to be dismissed

scornfully as mere chimeras. If public opinion finally comes to dictate the law even to the legislator, then it cannot be doubted that he who is able to exercise influence over the formation of public opinion is not as useless or inactive as is claimed by so many people who have influenced nothing.

Peddlers of verbiage—and there are some—endlessly make vacuous pronouncements about what they call the importance of practice and the uselessness and danger of theory. There is only one thing to say on this. Imagine any sequence of the most useful, excellent, and considered facts that you possibly can. Can you imagine that the theoretical order does not contain a sequence of ideas and truths that corresponds exactly to your practical chain? Unless you have entirely lost your reason, you will see that the one follows from the other or, better, precedes it. What, pray, is theory unless it is that connected sequence of truths that you might not be able to see until it has been made *real* but which someone has to have seen, unless of course everyone proceeds on the basis of not knowing what they are doing? Those who usually wear out conversation with the nonsense I have just described are in truth no better at practice than theory. Might it not be better for them to opt for the wiser, more *practical* choice, and if they are capable, try a little theory, or if not, try taking advantage of those produced by others while keeping silent on questions that at bottom they can have the consolation of not being able to understand? But to continue. . .

It might in the end be said that even if the privileged orders have no right to interest the *common will* in their privileges, they ought nonetheless to be able, as citizens, to enjoy their political right to representation together with the rest of the society.

But I have already said that by adopting the mantle of privilege, they have become the real enemies of the common interest. They cannot therefore be entrusted with the task of providing for it.

I would add that they are, of course, free to rejoin the veritable Nation whenever they wish, simply by purging themselves of their unjust privileges. Their exclusion from exercising their political rights is therefore entirely voluntary. In any event, since their true rights, those that are the object of the National Assembly, are held in common with those deputed to be its members, they can take comfort from the thought that these latter would be harming themselves if they were to make any attempt to infringe them.

It is certain, therefore, that only the non-privileged members of society are entitled to be electors and deputies to the National Assembly. The will of the Third Estate will always be right for the generality of citizens, while that of the privileged orders will always be wrong, unless by neglecting their private interest they vote like ordinary citizens or like the

Third Estate itself. Thus the Third Estate contains everything to be hoped for of a national assembly. It alone is capable of producing all the advantages that one is entitled to expect of the Estates-General.

It might perhaps be thought that the privileged orders still have one last resort in considering themselves to be a nation apart and in demanding a distinct and independent representation. I myself once made this assumption. But it is unacceptable. It has already been shown in the first chapter of this work that the privileged orders are not and cannot be a people apart. They can be so and can only be so at the expense of a veritable nation. But what sort of nation would voluntarily agree to such a burden?

Reason and justice cannot bend to suit your preferences. In the end it is not worth asking what kind of place there should be for privileged classes in the social order. It is like asking what kind of place a malignant tumor should have in the body of someone who is ill, as it devours and ruins its health. It simply has to be *neutralized*. It is essential to restore every organ to health and activity so that any malign combination able to vitiate the most essential principles of life can no longer occur. But you seem to have been told that you are not yet ready for good health, and you accept this pearl of aristocratic wisdom with all the docility with which peoples in the Orient accept the consolations of fatalism. Keep, then, ill!