

Constitutional monarchy: reforming France 1789–92

Following the overthrow of the *ancien régime*, the main aim of the Assembly was to reform France. This would involve changing the country's institutions and restructuring the way in which it was governed. The Declaration of the Rights of Man and the Citizen provided some of the guiding principles which underpinned these reforms. This chapter will consider three important themes:

- ★ Reform programmes of the National Assembly
- ★ Rise of the Jacobins and the Cordeliers
- ★ Emergence of the republican movement

The key debate on *page 72* of this chapter asks the question: What was the impact of the counter-revolution on France?

Key dates

1789 Nov. 2	Nationalisation of Church property	1791 Sept. 13	Louis XVI accepted the new constitution
1790 May 21	Creation of the Paris Sections	Nov. 9	Decree against <i>émigrés</i> (vetoed by Louis on 12 November)
July 12	Civil Constitution of the Clergy	1792 March	Guillotine to be used for all public executions
Aug. 16	Reorganisation of the judiciary	May 27	New decree against refractory priests
1791 March 2	Dissolution of guilds	1793 July 17	Final abolition of feudalism in France
June 14	The Le Chapelier Law		
June 20	Flight to Varennes		
July 17	Champ de Mars massacre		

1 Reform programmes of the National Assembly

► *In what ways did the reforms of the National Assembly make significant changes to France?*

A significant start had been made to reforming France by the end of 1789. The feudal system had been abolished by the August Decrees (see page 40) and the ground had been prepared for the creation of a constitution. Following this, the

deputies drew up the principles on which this should be based – the Declaration of the Rights of Man and the Citizen (see page 42). It condemned the practices of the *ancien régime* and outlined the rights of citizens, as demanded in the *cahiers* of all three orders.

After October 1789 most French people believed that the Revolution was over. For the next year there was broad agreement among the different groups in the Assembly, as they set about reorganising how France was governed and administered. In doing this they tried to apply the principles of the Declaration of Rights to give France a uniform, **decentralised**, representative and humanitarian system which treated people equally and with dignity. Many of the deputies regarded themselves as products of the Enlightenment, and as such sought to end cruelty, superstition and poverty. Most people by the end of 1789 wanted a **constitutional monarchy**, and there were few regrets about the passing of the *ancien régime*. France was fundamentally changed in many ways. New structures, such as the **departments**, were created that have survived until the present day.

The deputies in the National Assembly set about their task of reforming France with considerable dedication. While most people waited in anticipation for reforms which they hoped would improve their lives, many in the privileged classes prepared themselves for the worst. The main areas where changes would be made were as follows:

- local government
- taxation and finance
- economy
- legal system
- the Church
- constitution.

Local government

The reforms to local government involved significantly restructuring it. In restructuring local government the deputies wanted to make sure that power was decentralised, passing from the central government in Paris to the local authorities. This would make it much more difficult for the King to recover the power he had held before the Revolution. It was hoped that the administrative chaos of the *ancien régime* would be replaced by a coherent structure. The Assembly also wanted to ensure that the principle of democracy was introduced to all levels, whereby officials would be elected and would be responsible to those who elected them.

As a result of the decrees of December 1789, February and May 1790:

- France was divided into 83 departments.
- Departments were subdivided into 547 districts and 43,360 **communes** (or municipalities).

KEY TERMS

Decentralised Decision-making devolved from the centre to the regions of a country.

Constitutional monarchy Where the powers of the Crown are limited by a constitution. Also known as a limited monarchy.

Departments On 26 February 1790, 83 new divisions for local administration in France were created to replace the old divisions of the *ancien régime*.

Commune The smallest administrative unit in France.



KEY TERMS

Active citizens Citizens who, depending on the amount of taxes paid, could vote and stand as deputies.

Passive citizens

Approximately 2.7 million citizens who enjoyed the civic rights provided by the Declaration of the Rights of Man, but paid insufficient taxes to qualify for a vote.

Laboureurs The upper level of the peasantry who owned a plough and hired labour to work their land.

- Communes were grouped into cantons, where primary assemblies for elections were held and justices of the peace had their courts.
- All these administrative divisions, except the cantons, were run by elected councils.
- In Paris, the local government of the city was reformed into 48 Sections.

The right to vote

The reforms which revealed the real intention of the Assembly related to voting qualifications. It became clear that deputies did not intend that those who had taken part in the popular protests should have a direct role in government. A law in December 1789 introduced the concept of '**active citizens**', of which there were three tiers:

- Men over 25 who paid the equivalent of three days' labour in local taxes. It was estimated in 1790 that almost 4.3 million Frenchmen fell into this category. Citizens who did not pay this amount in taxes had no vote and were known as '**passive citizens**'. In reality the only thing active citizens could do was to choose electors – the second tier.
- Electors – active citizens who paid the equivalent of ten days' labour in local taxes. About 50,000 men met this qualification and they elected members of the canton and department assemblies and could become officials there. They also elected the deputies to the National Assembly – the third tier.
- To be eligible to become a deputy in the National Assembly an 'active citizen' had to pay at least a *marc d'argent* (a silver mark), the equivalent to 54 days' manual labour, in direct taxation. Most Frenchmen were unable to meet this qualification.

The electoral system was, therefore, heavily weighted in favour of the wealthy, although 61 per cent of Frenchmen had the right to take part in some elections (in England only four per cent of adult males had the vote). At a local level, most peasants had the right to vote and were qualified to stand for office. This amounted to an administrative revolution. Before 1789 government officials ran the provincial administration, where there was not one elected council. In 1790 there were no government officials at the local level: elected councils had totally replaced them.

Control of the new councils

In the south, bourgeois landowners controlled the new councils. In the north, the bourgeoisie was largely urban and took office in the towns, which left the rural communes in the hands of *laboureurs*, small merchants and artisans. People belonging to social groups which had never held any public office now had the opportunity of doing so. It is estimated that in the decade 1789–99 about a million people were elected to councils and gained experience in local administration.

These councils had an enormous burden of work thrust on them in December 1789 – much more than the *cahiers* had asked for. They had to assess and collect direct taxes, maintain law and order, carry out public works, see to the upkeep of churches and control the National Guard. Later legislation added to their responsibilities: they had to administer the clerical oath of loyalty, register births, marriages and deaths, requisition grain, and keep a watch on people suspected of opposing the Revolution.

In the towns there was usually an adequate supply of literate, talented people who provided a competent administration. It was often impossible, however, in the villages, to fill the councils with men who could read and write. Rural communes, therefore, often carried out their duties badly. In strongly Catholic areas officials disliked persecuting priests who had refused to take the oath of loyalty (see page 60). Consequently, many resigned and areas were left without any effective local government.

Taxation and finance

After the royal administration collapsed in 1789 very few taxes were collected. The Assembly needed money quickly, particularly when it decided that venal office-holders should be compensated for the loss of their offices. Yet a new tax system could not be set up immediately as considerable planning would be required before any new systems could be created.

It was decided that the existing system of direct and indirect taxation should continue until 1791. This was very unpopular. People wanted the demands made in the *cahiers* to be met at once. When there were outbreaks of violence in Picardy, one of the most heavily taxed areas under the *ancien régime*, the government gave way. The *gabelle* was abolished in March 1790 and within a year nearly all the unpopular indirect taxes, except for external customs duties, were also abolished.

The sale of Church land

As a first step to dealing with the financial crisis, Church land was nationalised on 2 November 1789 and *assignats* were introduced. The National Assembly had three main reasons for selling Church land:

- To provide money for the State in the period before the new and fairer taxation system was introduced.
- To guarantee the success of the Revolution, since those who bought Church lands would have a vested interest in maintaining the revolutionary changes, and would be more likely to oppose a restoration of the *ancien régime*, which might lead to the Church recovering its land.
- It was also hoped that the clergy would support the new regime, as they would be dependent on it for their salaries.

The government would issue bonds, known as *assignats*, which the public could buy and use for the purchase of Church lands. In April 1790 the Assembly converted the bonds into paper money, which could be used like bank notes in all financial transactions.

Buying Church land

Sales of land in 1791–2 were brisk. In Haute-Marne, for example, nearly 39,000 hectares of Church land, representing a tenth of the arable land in the department, were sold. The main beneficiaries were the bourgeoisie, as they had the ready cash. This was necessary because the **biens nationaux** were sold off in large plots. Members of the bourgeoisie bought most of the available land near the towns. Peasants fared better away from the towns.

A leading historian of the French Revolution, George Lefebvre, in a special study of the Nord department, found that 25 per cent of the Church land there had been sold by 1799: of this peasants had bought 52 per cent and the bourgeoisie 48 per cent. About a third of the peasants were first-time owners, so land did not only go to the wealthier *laboureurs*. Even where the bourgeoisie bought most of the land, they often resold it in smaller quantities to the peasants. It is estimated that the number of peasant smallholders increased by a million between 1789 and 1810.

Reforming the taxation system

Before the reforms were introduced the Assembly abolished the following:

- indirect taxes: *aidas, traites, octrois, gabelle* (see page 5)
- the **State monopoly** on growing, distributing and selling tobacco
- the old direct taxes: *taille, capitation, vingtièmes*
- tax farming.

The new financial system, which came into effect in January 1791, established three new direct taxes:

- the *contribution foncière*: a land tax from which there were no exemptions or special privileges
- the *contribution mobilière*: a tax on movable goods such as grain, payable by active citizens
- the *patente*: a tax on commercial profits.

In line with the principle of equality, citizens would pay according to their ability to do so. It was planned that the new taxes would be collected by the municipal councils.

This system might have worked well if there had been a systematic valuation of the land, but for this a large number of officials were needed. The Assembly would not provide them, as they would cost too much. Consequently, a survey of land values was not begun until 1807 and was not completed until the 1830s.

KEY TERMS

Biens nationaux The nationalised property of the Church as ordered by the decree of 2 November 1789.

State monopoly A system whereby the State exercises total control over an industry and can set whatever price it wishes.

KEY TERMS

Tax rolls Lists of citizens who had to pay taxes to the State.

Laissez-faire Non-interference in economic matters, so that trade and industry should be free from state interference.

Free trade Trade without the imposition of taxes and duties on goods.

Collective bargaining Where a trade union negotiates with employers on behalf of workers who are members.

Picketing The practice of strikers trying to persuade others to join in.

Meanwhile, the new **tax rolls** were based on those of the *ancien régime*, so that great regional variations remained. People in the Seine-et-Marne department, for example, paid five times as much in taxes as those in the Ariège. It was also easier to avoid paying direct taxes than indirect ones, since it was easier to conceal incomes than goods.

The new system did, however, benefit the poor, as with the abolition of indirect taxes, the burden of taxation fell on producers rather than consumers. It was a fairer system, as all property and income were to be taxed on the same basis. There would no longer be any special privileges or exemptions. Citizens would pay according to their means. Much of the new financial structure would last throughout the nineteenth century.

Economy

Economic progress in France during the *ancien régime* was much slower than the rapid developments taking place across the Channel in Britain. The restrictive social structures and internal barriers inhibited economic development. The Revolution presented opportunities for reform. All the deputies in the Constituent Assembly believed in *laissez-faire*. Therefore, they introduced **free trade** in grain in August 1789 and removed price controls. These measures were extended to other products in 1790–1, although this is not what the people as a whole desired. They wanted the price and distribution of all essential goods to be controlled, in order to avoid scarcity, high prices and possible starvation.

In October 1790 internal tariffs were abolished, so a national market was created for the first time. All goods could now move freely from one part of France to another without having to pay internal customs duties. This was helped by the creation of a single system of weights and measures – the metric system – which applied to the whole of France.

Employer–worker relations

The deputies were determined to get rid of any organisations that had special privileges and restrictions regarding employment. The aim was to open up a range of crafts and occupations to more people. Guilds were, therefore, abolished in 1791, as they had restricted the entry of people into certain trades in order to ensure that wage levels and prices charged for goods and services had remained high.

In June 1791 a coalition of 80,000 Parisian workers was threatening a general strike to obtain higher wages, so the Assembly passed the Le Chapelier law, named after the deputy who proposed it, which forbade trade unions and employers' organisations. **Collective bargaining, picketing** and strikes were declared illegal. No one in the Assembly objected to the measure. Strikes remained illegal until 1864. The ban on trade unions was not lifted until 1884.

Relief

The Assembly regarded relief for the poor as a duty of the State. In the past the Church had provided help for the poor, but was unable to do so after losing its land and its income. Therefore, there was an urgent need for a national organisation, financed by taxation, to take over this role. The Assembly set up a committee which, in 1791, showed for the first time just how serious the problem was. It concluded that nearly 2 million people could support themselves only by begging. When it came to taking practical measures, there was simply not enough money available to deal with such an appalling problem, so nothing was done.

Legal system

The Constituent Assembly applied the same principle of uniformity to the legal system as it had done to local government. It abolished many features on 16 August 1790 and imposed a new structure. Among those areas removed were the following:

- the different systems of law in the north and south of the country
- the different types of law court, the *parlements*, seigneurial and ecclesiastical courts
- the *lettres de cachet* (see page 32): in place of the old structure a new, uniform system, based on the administrative divisions of the reformed local government, was introduced.

The main features of the new system were as follows:

- In each canton there was to be a justice of the peace, dealing with cases previously handled by seigneurial courts.
- The justice's main task was to persuade the different parties to come to an agreement; he could also judge minor civil cases, such as trespass, without appeal.
- Serious civil cases such as property disputes were dealt with in a district court.
- A criminal court would be located in each department, where trials would be held in public before a jury. The idea of having a jury, like that of having justices of the peace, was taken from English law.
- At the head of the judicial system was a Court of Appeal, whose judges were elected by the department assemblies.
- All judges were elected by active citizens but only those who had been lawyers for five years were eligible. This ensured that all judges were well qualified and accountable.

There were other improvements in the quality of French justice. The **penal code** was made more humane: torture and mutilation were abolished. Anyone arrested had to be brought before a court within 24 hours. The number of capital crimes was significantly reduced. In March 1792 a new and more efficient

KEY TERM

Penal code A list of the laws of France and the punishments for breaking those laws.

KEY TERMS

Guillotine A machine introduced in 1792 for decapitating victims in a relatively painless way. It became synonymous with the Terror.

Legislative Assembly

Came into existence in October 1791 and was the second elected Assembly to rule during the Revolution. It differed from the National/Constituent Assembly in that all members were directly elected.

Annates Payments made by the French Church to the Pope.

method of execution – the **guillotine** – was approved by the **Legislative Assembly**. It replaced all other forms used on those condemned to death. This mechanical device with its angular blade would become one of the most feared and lasting images of the Revolution following its first use in April 1792.

The new judicial system was to prove one of the most lasting reforms of the Constituent Assembly. For the first time, justice was made free and equal to all, and was therefore popular. The French system of justice had been one of the most backward, barbarous and corrupt in Europe. In two years it became one of the most enlightened.

The Church

The Constituent Assembly wanted to create a Church that was:

- free from abuses such as absenteeism and plurality
- free from foreign (papal) control – independent of Rome
- democratic
- linked to the new system of local government – primarily the department
- linked more closely to the State in order to strengthen the Revolution.

The deputies were not in the main anti-religious or anti-Catholic, and simply wanted to extend to religion the principles they applied elsewhere. They certainly had no intention of interfering with the doctrines of the Church or with its spiritual functions.

In August 1789 the Assembly abolished the tithe, **annates** and pluralism. It also ended the privileges of the Church, such as its right to decide for itself how much tax it would pay. Most parish clergy supported these measures. They also accepted the sale of Church lands, because they would be paid more than they had been under the *ancien régime*.

In February 1790 a decree distinguished between monastic orders which did not work in the community and those which provided education and charity. The former were suppressed, as they made no direct contribution to the common good. The latter were allowed to remain 'for the present', although the taking of religious vows was forbidden.

These changes took place without creating much of a stir among the clergy as a whole. Less popular was the decree in December 1789 giving civil rights to Protestants. These rights were extended to Jews in September 1791.

The Civil Constitution of the Clergy

There was no serious conflict with the Church until the Civil Constitution of the Clergy was approved on 12 July 1790. This measure reformed the Catholic Church in France, and adapted the organisation of the Church to the administrative framework of local government. **Dioceses** were to coincide with departments. This meant that the number of bishoprics would be reduced from 135 to 83. There would be not only fewer bishops but fewer clergy generally, as

all other clerical posts except for parish priests and bishops ceased to exist. The attempt to extend democracy to all aspects of government was also applied to the Church. But there was no intention of ending the Catholic Church's position as the State Church in France.

Some of the key terms of the Civil Constitution of the Clergy were as follows:

- Each department would form a single diocese.
- There would be no recognition of any bishop appointed by the Pope but not approved by the French State.
- All titles and offices, other than those mentioned in the Civil Constitution, were abolished.
- All priests and bishops were to be elected to their posts.
- All elections were to be by ballot and by absolute majority of those who voted.
- Priests were to be paid by the State.
- There was to be no absenteeism by priests or bishops – no bishop could be away from his diocese for more than fifteen days consecutively in any year.

SOURCE A



Study Source A carefully. What do you think is the significance of the large storm cloud gathering behind the priest?

A constitutional priest taking the civic oath.

KEY TERMS

National synod An assembly of representatives of the entire Church.

Avignon Territory controlled by the Pope in southern France.

Non-jurors Those members of the clergy who refused to take the new oath of allegiance to the Civil Constitution.

Refractory priests Those priests who refused to take the oath.

Most clergy opposed the principle of election, which was unknown in the Church, but even so, the majority (including many bishops) were in favour of finding a way of accepting the Civil Constitution and avoiding a split in the Church. They demanded that the reforms be submitted to a **national synod** of the French Church. This would have made a compromise possible but the Constituent Assembly would not agree to this, as it believed that it would give the Church a privileged position in the State once again, something which had just been abolished.

The oath of loyalty

As a Church assembly was not allowed to discuss the matter, the clergy waited for the Pope to give his verdict. He delayed coming to a decision, as he was involved in delicate negotiations with the French over the status of **Avignon**. The Assembly grew tired of waiting and on 27 November 1790 decreed that clergy must take an oath to the constitution. This split the clergy. In the Assembly only two of the 44 bishops and a third of the other clergy took the oath. In France as a whole seven bishops and 55 per cent of the clergy took the oath. When the Pope finally condemned the Civil Constitution in March and April 1791, many clergy who had taken the oath retracted it.

Two Churches

The Civil Constitution of the Clergy had momentous results. It was one of the defining moments of Revolution. It effectively destroyed the revolutionary consensus that had existed since 1789. Deputies in the Assembly were shocked when it was rejected by so many clergy and by the Pope.

There were now, in effect, two Catholic Churches in France. One was the constitutional Church, which accepted the Revolution but was rejected by Rome. The other was a **non-juring** Church of **refractory priests**, approved by the Pope but regarded by patriots as rejecting the Revolution. Nigel Aston, a modern historian, concludes: 'Faced with what was crudely reduced to a stark choice between religion and revolution, half the adult population (and the great majority of women) rejected revolution.'

A major effect of this split was that the counter-revolution, the movement which sought to overturn the Revolution, received mass support for the first time. Before this, it had been supported only by a few royalists and *émigrés*. In the most strongly Catholic areas – the west, north-east and south of the Massif Central – few clergy took the oath. On 27 May 1792 the Legislative Assembly attempted to take a firmer line with those priests who refused to take the oath by passing a measure which enabled their deportation, if twenty citizens were prepared to denounce them.

Many villagers complained that the Assembly was trying to change their religion, especially when refractory priests were expelled. They felt a sense of betrayal which, combined with their hostility to other measures of the Assembly

such as **conscription**, was to lead to open revolt in 1793 in areas like the Vendée.

Disaffection with the Revolution, which eventually turned into civil war, was, therefore, one result of the Civil Constitution of the Clergy. Another was the King's attempt to flee from France in June 1791, precipitating a series of events which was to bring about the downfall of the monarchy (see pages 67–9).

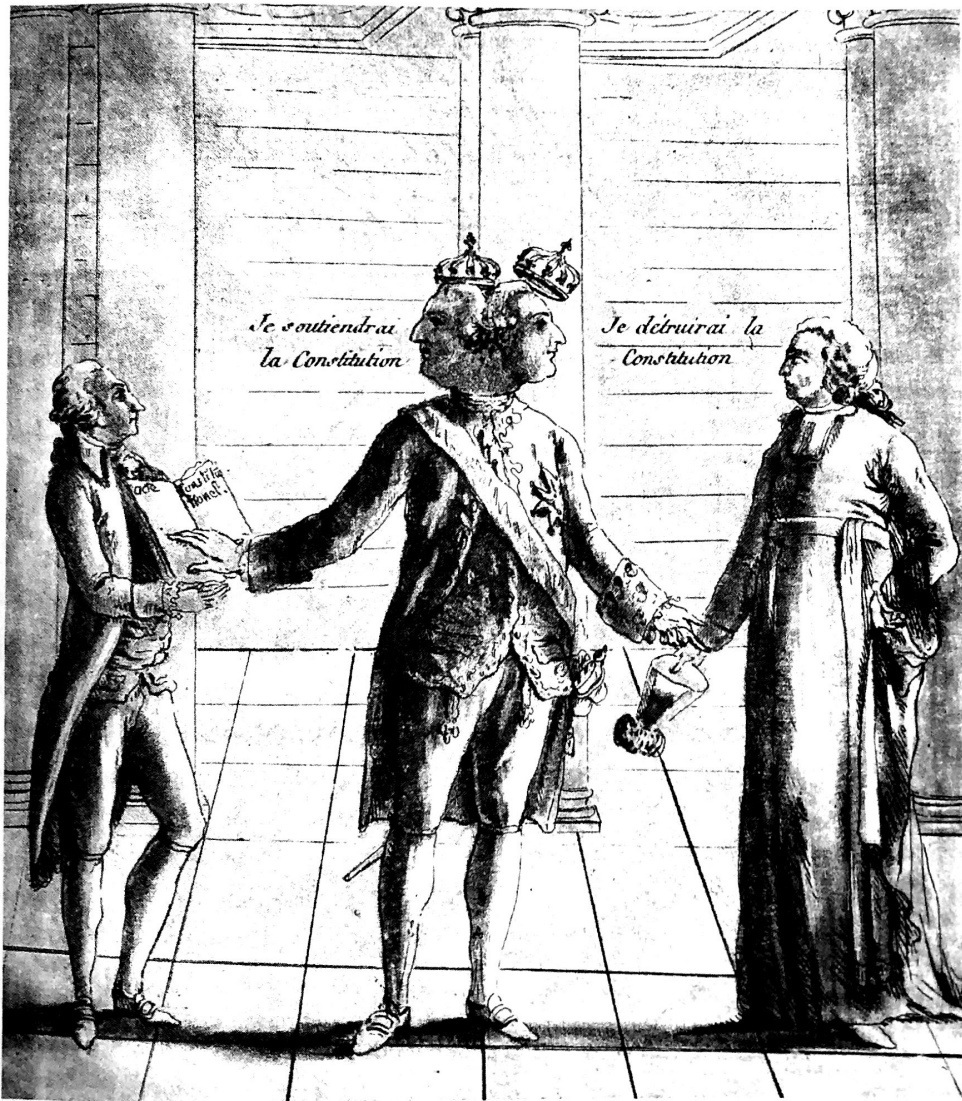
Constitution

One of the main aims of the Constituent Assembly had been to draw up a constitution that would replace an absolute monarchy with a constitutional one. Under the new proposals power would pass from the Constituent Assembly

KEY TERM

Conscription Compulsory military service.

SOURCE B



Louis XVI facing both ways. In this contemporary cartoon Louis is shown promising both to support and to destroy the constitution.

What does Source B suggest about the character of the King?



(which would be dissolved) to a legislative assembly of 745 members. These members would be elected every two years and would have significant power. Much of the constitution – that the King should have a suspensive veto and that there should be one elected assembly – had been worked out in 1789, but the rest was not finally agreed until 14 September 1791. Under the terms of the constitution, the King had the following constraints:

- He had the right to appoint his ministers (although they could not be members of the Assembly) and military commanders.
- He was given a suspensive veto, although this could not be applied to financial or constitutional matters such as new taxes.
- He was dependent on the Assembly for his foreign policy, as he needed its consent before he could declare war.
- It was agreed that his office, although hereditary, was subordinate to the Assembly, as it passed the laws which the King had to obey. 'In France there is no authority superior to the law ... it is only by means of the law that the King reigns.'

In September Louis XVI reluctantly accepted the constitution. Marie Antoinette's attitude was that it was 'so monstrous that it cannot survive for long'. She was determined to overthrow it at the first opportunity.

Summary diagram: Reform programmes of the National Assembly

