GENERAL HISTORY OF CIVILISATION IN EUROPE, FROM THE FALL OF THE ROMAN EMPIRE TILL THE FRENCH REVOLUTION. A TREATISE ON DEATH PUNISHMENTS.

FRANÇOIS GUIZOT

Vizetek
Yayıncılık

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Life Of Guizot.

His Birth
Education
Entry into Life
Literary Works
Political Career and Exile
1787 to 1848.

Among the many extraordinary personages who have figured within the last sixty years on the political stage of Europe, there are few whose career has been more singular and chequered than that of the author of the following works. In no country does talent so certainly insure pre-eminence to its possessor as in France, nor is success in literature anywhere so nobly rewarded. Rank and fortune are in it no necessary passports to social or political importance, and with perfect truth it may be said that the career of distinction is open to aspirants of every class and merit possessing and evincing legitimate claims to esteem and consideration. Of all professions, that of literature is held in the highest estimation, and its most successful cultivators are those who have exercised for many years the greatest influence over its destinies, and who have constituted its chief legislators and statesmen. From the superiority of his attainments in the field of intellectual exertion, M. Guizot has raised himself from obscurity, and achieved not only the fame of the most philosophic and profound historian of the day, but the lustre of a position the most exalted in the hierarchy of civilised life.

The family of M. Guizot appears to have been of old standing and respectable repute in the south of France, having its chief seat in the town of Nismes, where he himself was born on the 4th of October 1787. His father was an advocate, enjoying considerable practice at the provincial bar of Nismes, and he belonged, like his forefathers before him, to the Reformed Church, which entailed upon him sundry galling disabilities, the Protestants being then a proscribed sect in France, precisely as were the Catholics, on the other hand, in England and Ireland. Hence he viewed with approbation and hope the progress of the Revolution which commenced with the meeting of the States-General under Louis XVI. in 1789, and hailed with joy the abrogation of a system which condemned him to humiliations of both a civil and a religious character. He shrank, however, from the excesses with which the Jacobins polluted the glorious outburst, and by his sentiments of moderation, drew upon himself their revengeful anger, from the consequences of which he sought safety in concealment. Being discovered in his retreat, he heroically refused to accept the offer of permission to escape made him by his captor, preferring to suffer death rather than compromise the existence of another, whom humanity alone prompted to tender a generous protection. He accordingly fell under the axe of the guillotine at Nismes on the 8th of April 1794, contemporaneously with the execution of Danton at Paris, whose fall marked the culminating point of the Reign of Terror. The young Guizot was at this, period nearly seven years of age, and sufficiently old to appreciate all the horrors of that gloomy era: the terrible impression became indelible on his mind, and in a great measure ruled the future tendencies of his mature years, which led him to regard with instinctive abhorrence the smallest approach to a return of revolutionary violence.

The mother of Guizot escaped the fate of her husband, being in that respect more fortunate than the wives of most of the victims sacrificed to the vengeance of the Jacobins, and removed with her children to Geneva, to which Calvinistic city she originally belonged. She was a woman of strong mind and sound religious principles: she proved an excellent parent to Guizot and his younger brother, to whose training and education she devoted herself with exemplary solicitude. The care of an affectionate and virtuous mother is the most precious boon to man in his tender

years, and there is scarcely an instance of one rising to high celebrity who has not enjoyed the fostering tutelage of maternal superintendence in his boyhood. This advantage Guizot possessed in a supreme degree: and it has been related by a visitor, who found her with him on her knee, reading to him incidents from the lives of the great Reformers, that she remarked, 'I wish to show my Frank, by these examples, how much may be effected by determination and diligence;' and assuredly her lessons were not thrown away, for these are the very qualities which have chiefly distinguished him through life. At the age of twelve, having already made considerable progress in the acquisition of the classical and principal modern languages, he was placed under the charge of M. de Joux, a minister of the Reformed Church of Geneva, who was at the head of a considerable seminary in that city. Under the auspices of this instructor of youth he made rapid progress in his studies, seeking still to master the difficulties which shroud from the unenlightened the immortal compositions bequeathed from antiquity or illumining more recent eras. In four years —such was the ardour of the young student—he could boast an intimate acquaintance with all the most illustrious of the Greeks and Romans, with all the most renowned of the nations of modern Europe. Homer, Thucydides, Demosthenes; Cicero, Seneca, Tacitus; Dante, Tasso, Ariosto; Schiller, Goethe, Fichte; Shakespeare, Milton, Locke; Racine, Fenelon, Montesquieu— these were the great minds with which he cultivated a familiar intercourse, these the sources from which he drank of the fountain of knowledge, these the ennobling inspirers of his dawning genius. Happy the youth who can embrace the opportunity of such learning, happier he who can appreciate its incomparable virtues, its ineffable charms, its exalted benefits; for no education can be more admirably adapted to refine the mind, develop the understanding, invigorate the intellect, or fill the soul with the divine breath of philosophy!

It was natural that the subtle questions which possess such interest in the minds of reflective men, and which involve the enigma of human existence, should present themselves to the thoughtful Guizot as fitting topics of contemplation. Consequently, we find him turn with avidity to metaphysics, and steep himself in sleepless ponderings on their sublime but inextricable problems. He thus acquired, more perhaps than even from his previous studies, that profound and detective cast of mind which is so perceptible in his works, and which makes the elucidation of causes the distinctive feature, the inestimable merit of his dissertations. But the time arrived when the pleasures of academic training must be exchanged for the toils of active life, since no patrimony removed the necessity of earning a subsistence by labour; and Madame Guizot, after consultation with her friends, determined that his father's profession was the most appropriate for her accomplished son. In 1804, accordingly, she left Geneva and returned to Nismes, whence, after tarrying a few months to inhale his native air, Guizot proceeded to Paris, then the glittering capital of the European world, and resplendent with the lustre of Napoleon's imperial throne. The scene, however, was singularly unfitted to a young adventurer, armed doubtless with much recondite lore, versed in all the learning of the schools, attuned to austerity as a Genevese neophyte: the military career was the great high road to fortune and distinction under the rule of the mighty conqueror. Mere civil virtues or mental acquirements were less in repute, and especially the profession of the law languished under the sceptre of the sword. In the midst of a society thus resonant with the tramp of warriors, the poor student felt abashed and forlorn; he sought in seclusion to escape its noise and glare, and the first year of his residence in Paris he still passed in solitude and study. But it was incumbent on him to exert himself for a livelihood, and he justly conceived the functions of a preceptor equally well suited to his capabilities as congenial to his tastes. In his quest for an engagement in this capacity, it was his good fortune to encounter M. Stapfer, himself a native of Switzerland, and formerly the Swiss minister to France, who took him into his house as tutor to his children. M. Stapfer had been originally a preacher of the Gospel, and likewise a professor of philosophy, which he laboured strenuously to invest with a religious character. He was deeply versed in German metaphysics, then bewildered by the novel and abstruse speculations of Kant, and with them he thoroughly embued the mind of Guizot, whom he treated at once as his disciple and his friend. Under the roof of this estimable personage, who has left behind him several valuable critical essays, Guizot found time, moreover, to follow the example of Gibbon and other men of illustrious name in literature,

imposing on himself a rigorous and laborious recast of all his previous studies, analytically digesting them and arranging them in that clear and substantive manner which is essential for a permanent and productive groundwork. Whilst thus engaged in the duties of teaching, in the enjoyments of intellectual intercourse, and in the grateful toils of private application, he passed two happy and fruitful years. Through the introduction of M. Stapfer, he became known to M. Suard, whose house was the rendezvous of all the chief literary men of the day, and where he mingled on a footing of perfect equality with its most distinguished visitors, of whom the first in name and lustre was Chateaubriand, who had just electrified, and in part reclaimed, the infidel mind of France by his brilliant and fervent effusion, the 'Génie du Christianisme'—[the Genius of Christianity].

Sedate, modest, and retiring, Guizot was nevertheless twenty-one years old, and at an age when romance appears decked in a guise of irresistible attraction. Yet it was not love that allured him, but rather generosity and sympathy with misfortune that fired his ingenuous ardour. It chanced that a young lady, by name Pauline de Meulan, already past the bloom of womanhood, had been appointed chief contributor to a journal established by M. Suard, called the ***Publicist***. This highly-gifted person unfortunately contracted a dangerous illness in the year 1807, which incapacitated her from continuing her contributions to the ***Publicist***, on the proceeds of which she depended for the support of herself and her aged mother. No sooner did Guizot hear of her calamitous situation, than he sat down and composed an article in imitation as much as possible of her style and manner, which having completed, he sent to her anonymously, with an intimation that, if agreeable, a similar article would be forwarded for each future number of the journal. It is needless to say that the invalid authoress received the article and the offer with gratitude; and until her restoration to health, her mysterious benefactor perseveringly fulfilled his promise. The extraordinary circumstance was subsequently mentioned by her in the saloon of M. Suard, and in the presence of Guizot, who long refrained from disclosing the secret. When it was at length divulged, it was natural that a very cordial intimacy should ensue between the parties, which, after the lapse of some years— namely, in 1812—resulted in their marriage, although the lady had the advantage in age by at least fourteen years. Nevertheless, the union was a happy and auspicious one, proving also profitable even in a pecuniary view, since M. Guizot found in his wife an able and sedulous assistant in his literary labours. To her severe purity of mind also it is understood that he is much indebted for that lofty probity and adherence to principle which so strikingly distinguish him from the great herd of his contemporaries.

Thus fairly introduced to a literary life, he applied himself to its pursuits with unwearied industry. Under the rigorous censorship in which Napoleon kept the press, a very limited range of subjects was permitted to an author—anything bearing on politics, even in historical, critical, or philosophical dissertation, being strictly forbidden. In this dismal state of restriction, Guizot's first regular work, published in 1809, was an edition of Gerard's French Synonymes, with additions, accompanied by an original treatise on the philosophical character of the French language. This was followed in 1811 by a translation of 'Spain in 1808,' from the German of Rehfus, and by an essay on the state of the fine arts in France. In the course of that year he also received the appointment of conductor of a periodical entitled 'The Annals of Education,' which appeared for some years under his editorship. Before the end of 1812, he produced a translation of Gibbon's 'Decline and Fall of the Roman Empire, which was a work of many hands, even Louis XVI., when dauphin, being said to have executed part of it; but the whole of which was carefully revised and annotated by Guizot before publication. At the close of this same year he obtained, through the influence of M. de Fontanes, the professorship of history in the university of Paris, a situation which brought him in contact with Royer-Collard, likewise a professor in the same college, and between them a friendship sprang up, which afterwards bore happy fruits, and had an important influence on the future career of M, Guizot.

The first restoration of the Bourbons in 1814 presented to him the opportunity for which his ambition had been already aroused, of entering into political life. Through the recommendation of Royer-Collard, he was nominated by the Abbé de Montesquiou, minister of the interior, secretary

to his department; and he followed the king in his flight to Ghent, where he is stated to have successfully exerted his enlightened remonstrances to induce Louis XVIII. to discard from his councils M. de Blacas, whose antiquated royalism had materially availed to precipitate him from his newly-acquired throne. Under the second restoration he held several secondary offices in the administration, and he remained attached to successive ministries until 1820, when the assassination of the Duke de Berri produced a violent royalist reaction, under which the Decazes ministry fell (of which Royer-Collard formed a component part), and in its ruin involved M. Guizot. He then openly joined the party in opposition to M. Villele, the new minister; and having ventured to arraign his measures in a pamphlet, he was suspended from his chair in the university, which he did not regain until the accession of M. de Martignac to power in the year 1828.

Thus deprived of all official income, he was reduced once more to his pen to eke out a subsistence. With a hearty good-will, and a noble spirit of independence, he turned again to his literary labours, which he prosecuted during the ten years from 1820 to 1830 with unexampled diligence, and soon fixed on himself the attention and admiration of his countrymen. It will be sufficient to enumerate his principal publications during this important era of his life.

1. A Collection of Memoirs relative to the English Revolution, with Historical Notes and Explanations, 25 vols. 8vo; followed by a History of the English Revolution in 2 vols. 8vo, which has not yet been completed according to the authors original intentions.

2. A Collection of Memoirs relative to the History of France from the Foundation of the Monarchy to the Thirteenth Century, with an Introduction, Supplement, Notices, and Notes, 29 vols. 8vo.

3. A new edition of Rollin and Letourneur's Translation of Shakespeare, with great Amendments, and illustrated by Critical Notes and Historical Notices.

4. The 'Revue Française,' a periodical established by him during this period, may be accounted in the number of his works, together with the principal articles in the journal called the 'Globe.'

In the execution of all these labours he was constantly assisted by his wife, who sat in the same room with him in which he carried on his literary operations, attended by her two nieces, and surrounded by a number of young men, who acted in various capacities as copyists, arrangers, and amanuenses: the whole group presenting a picture of silent activity and resolute industry the most interesting that can be conceived.

At this period M. Guizot lived in a quiet retired house in a small street behind the Madeleine, which he has rendered in some degree famous by the indefatigable labours of which it was the scene. He has since lived in sumptuous palaces; but it is probable that in this modest abode he had more real enjoyment than when seated amid the magnificence of high official pomp. Though he was well known to be poor, and to be dependent on literature for a livelihood, his condition, which in England would have been considered one of the most degraded possible, was no drawback to his social position, and his residence was the resort of nearly all the most eminent men of the day both in literature and in politics. On his reception nights his little rooms were crowded with people of distinction, anxious to partake the intellectual feast served out on such occasions; for no substantial viands were there to regale them beyond a cup of tea, dispensed by the fair hands of Madame Guizot and one or two female friends—often the late Duchess de Broglie, a woman of superior attainments. Yet sorrow, too, fell on him in this otherwise cherished home, for here his wife died in the course of 1827, and shortly after her his only son. With her dying breath she besought him to marry one of her nieces, who resided with them; and in the following year he fulfilled her wish by espousing Eliza Dillon, the eldest, whom he has likewise had the misfortune to lay in the tomb, after bearing him two daughters. It was in this same year, 1828, that the liberal ministry of M. de Martignac was formed, one of whose first acts was to

restore M. Guizot to his professorship of modern history in the Sorbonne, and in which situation he will he perhaps hereafter held to have earned his chiefest glory.

The lectures that M. Guizot delivered from his university chair have been collected into two publications, the one entitled 'A Course of Modern History,' in six volumes, and the other 'The History of Civilisation in Europe.' This latter course has been very much admired, has passed into all modern languages, and attained a most extensive celebrity. It was delivered on his resumption of his chair in the session of 1828, and more than one translation of it has already appeared in English. But recent events have given to the work an additional interest and importance, justifying its renewed publication and as it will pass into the hands of a fresh class of readers, a few words on its purport, scope, and execution, will scarcely be considered misplaced: —

It embraces a history of the general course of modern civilisation, from the overthrow of the Roman Empire in the west, to the mental convulsion which heralded the French Revolution. The elements of that civilisation the author has reduced to four—namely, the church, the feudal system, the boroughs, and the royal power—and each of them in succession to its origin, and followed in all its subsequent changes. The influence of the great events that have occurred in modern Europe, on the different orders of society, is exhibited with great force and originality, particularly the effect of the crusades, the Reformation, and the English revolution. The manner in which he shows society to have been ultimately divided between two powers only, nations and governments, is very striking and successful. The most brilliant portion of the work is generally judged to be that in which he describes the reign of Louis XIV., and the contests of that monarch with William III., each of them being the representative and personification of a great principle, the one embodying absolute sovereignty, and the other civil and religious liberty, the struggle between which is the characteristic of later European history.

Throughout the work, M. Guizot displays great depth of thought and originality, not only in his general views and analysations, but also in his ideas touching particular orders of facts, individual occurrences, or peculiar institutions. He possesses the art, in a very high degree, of presenting known objects in so novel and startling a light, as to arouse the attention of the reader, and make him stretch his reflective faculties to the utmost, in spite of himself. An exalted tone of philosophical reasoning marks the whole inquiry, which, whilst it opens and delights the mind, keeps it likewise steadfast and attentive; for it will be found impossible to comprehend the greater part of M. Guizot's deductions in a careless or occasional perusal.

Objections have been made to the style in which M. Guizot writes. He is accused, and perhaps justly, of being sometimes barren and spiritless, and at other times diffuse and tedious. But there is no doubt that in his writings there are passages of great beauty and expression, though he evidently is more concerned about the strength and truthfulness of his ideas than the mere diction in which he couches them. A certain suddenness of transition, in which he frequently indulges, renders him a difficult author to translate, in such a manner as to give so perfect an idea of his style of writing as could be wished, though that object has in the present instance been pursued as far as possible.

It will be found that, at the conclusion of the work, the author gives an intimation of his intention to carry out the operation of modern civilisation on the moral and internal development of mankind at a future period, he having limited his present inquiry to its effect on political and social development. From the circumstances about to be related, M. Guizot has not hitherto fulfilled this promise, but it is now understood that he intends without delay to complete his original design.

From the celebrated epoch of 1830 M. Guizot is to be viewed chiefly as a political character, although he has in the interval published several esteemed works, such as the life of Monk, the life of Washington, an Essay on Democracy, and a philosophical essay on Death Punishments, particularly with reference to political offences, which appears at the close of this volume. In

January of that year he was returned by the constituency of Lisieux a member of the Chamber of Deputies, and he concurred in the address from the majority of that body, which provoked Charles X. to issue his famous ordinances of the 15th July 1830. At a meeting of deputies held at the house of Casimir Perier, the protest adopted against those ordinances was drawn up by Guizot, and when Charles X. was driven from the kingdom, he was appointed by the provisional government minister of public instruction. On the elevation of Louis-Philippe to the throne, the first administration selected by him was naturally drawn from different parties, and was in a great measure heterogeneous, being left without a head or president. But in it Guizot held unquestionably the first place, since he had the appointment of minister of the interior, which, immediately subsequent to a revolution, must be deemed the most important office of the government. This first ministry, which comprised men of all shades of opinion—Molé, Dupin, Lafitte, and Perier—lasted only three months, being displaced by one of a more decidedly liberal tendency under the presidency of Lafitte, and Guizot retired from office with his friends. It was from this time that the Chamber of Deputies became broken up into so many different fractions, that scarcely any combination was feasible to command for any length of time the necessary majority to carry on the government. Hence changes of ministry were almost continual during the first ten years of Louis-Philippe's reign. The various parties in the Chamber were generically four only—that is, distinguishable from each other on account of fundamental principles. These four were the Legitimatists, or partisans of the fallen dynasty; the Reactionists, the Conservative Reformers, and the Radical Reformers, according to the nomenclature best descriptive of their respective tendencies; but they were known as the Right, the Centre Right, the Centre Left, and the Left, from the positions they occupied in the hall of the Chamber. But these again were subdivided into minuter sections, particularly with regard to the two Centres, which constituted the bulk of the assembly, and from which all the ministries were drawn. Thus, although Guizot belonged to the Centre Right, he, with Royer-Collard and some twenty-five or thirty others, formed a body apart called the Doctrinaires: a term applied to them, like most political designations, from an accidental circumstance. Previous to the Revolution, a teaching corporation had existed under the title of the Doctrinaires, in one of whose colleges Royer-Collard had been educated, whilst his brother and uncle belonged to the fraternity. His style of oratory was of a severe and logical character, proceeding always upon a foundation of fixed doctrines, and the word, moreover, was continually upon his lips. One day he was more than usually profuse of the phrase, and a royalist member, irritated at the lecture he was delivering, exclaimed aloud, 'Ah! hear the Doctrinaires! No one can ever mistake the Doctrinaires!' From that moment the epithet clung to him and his associates, who, sooth to say, accepted it willingly enough. But though the origin of the appellation is easily explained, it is far otherwise with regard to the precise principles upheld by the Doctrinaires. Agreeing generally with the Right Centre on the necessity of resisting any extension of popular franchises, they nevertheless allowed that such an extension might be advisable, and was consistent with reason and justice, but at the same time care must be taken that the real government of the country should always be vested in the men of superior information and capacity. There was nothing so very peculiar in these ideas as really to invest the Doctrinaires with a distinct political character; but in truth both Guizot and Collard were too proud and ambitious to confess the leadership of another, and they aspired to hold the balance between the two Centres, so as to render their support indispensable to the formation of a ministry.

There is perhaps no more difficult task than to render intelligible the struggles of parties and the changes of government that took place during the early years of Louis-Philippe's reign. With the exception of the two small fractions on the extremes of the Chamber, the Legitimatists (of whom Berryer was the leader) and the avowed Republicans (of whom Garnier-Pages was the leader), all were unanimous in maintaining in its integrity the Charter of 1830, and the dynasty it planted on the throne of France. Even Odillon Barrot and Arago only advocated certain electoral changes with a view to an extension of the suffrage to a larger portion of the population, and the adoption of sundry other reforms. But nevertheless, although the battle-ground seemed thus contracted, and merely insignificant points of difference to exist, there are few instances in parliamentary

history of a keener or more bitter strife being maintained than between the main parties in the Chamber of Deputies; and this can be explained only by the undoubted fact, that the dissensions almost exclusively arose from personal rivalries. Thus between Guizot and Thiers, who so far outshone all others in oratory and talent as to be the incontestable leaders of the assembly, there existed no such tangible practical difference as to justify their mutual hostility. It is true that Thiers, from the tenor of his writings and his previous associations, was considered as of a more liberal cast; but his name is identified with no measure of any liberal tendency, nor did he hesitate to follow, when himself in power, the same restrictive policy with regard to the press, public meetings, and other matters, which marked what were deemed more retrograde governments. Under such circumstances it was that Louis-Philippe, who possessed great sagacity and knowledge of men, and was, withal, tormented by the lust of ruling, saw that, by skilfully poising between the adverse factions, he might himself hold the reins of government, and violate the great maxim of a constitutional monarchy, which assigns to the king the part of ***reigning*** only, and to his responsible advisers that of ***ruling***. This he so far carried out, that notwithstanding the numerous displacements of ministries, they were all essentially of his own composition, and on the great affairs of policy the creatures of his will. Yet it would be unjust to this monarch not to allow that such a condition of things was in a great measure forced upon him by the anomalous state of parties in the Chamber of Deputies, and that throughout his reign he invariably exerted his influence to discourage the passion for war so unhappily inherent in the French people, insomuch that to him personally may be ascribed the glory of preserving for so many years the peace of the civilised world.

There is no doubt that although France attained a great development of material prosperity under the reign of Louis-Philippe, his government must be characterised, as regards social and political improvement, as stagnant, if not retrograde. Whether it could be otherwise or not, from the peculiar character of the French, without its own stability being endangered, will be the subject of curious inquiry with the future historian. But on one important point a magnificent progress was made, and that through the agency of M. Guizot. In October 1832 he took office in a coalition ministry with Thiers, of which Marshal Soult was president, and he received the appointment of minister of public instruction, for which he was so admirably adapted, and which, under innumerable modifications of the cabinet, he retained until 1836. And here it may be remarked in approbation, as indicating the entire extinction of religious bigotry in France, that not a single objection was raised, on the score of his Protestantism, against Guizot being intrusted with the superintendence of the education of the whole youth of France. But it may appear more surprising that he was allowed to extend the system of public education in so extraordinary a degree. Without entering into the particulars of his educational organisation, it is a sufficient proof of the gigantic ramifications he gave it, that whereas in 1829 the grant for education figured in the budget at the moderate sum of 2,000,000 francs, it was increased in 1836 to 15,000,000 francs, or L.600,000 sterling; whilst the item for primary instruction was in like manner swelled from 50,000 to 5,000,000 francs. Thus throughout the whole of France the means of affording an adequate education to the bulk of the population was provided by the foresight of this statesman, who wisely judged that the spread of education among a community is the best security of peace, prosperity, and order.

In February 1836 Guizot yielded to the superior address of his rival, Thiers, who realised the full dream of his ambition in becoming prime minister of France. His tenure of power, however, was very brief, since it continued only to August of the same year, when he in his turn gave way to Molé, whom Guizot joined as a colleague. So brittle was the fabric of these cabinets, that Molé's fell to pieces in March 1837, but was subsequently reconstructed, by the substitution of Montalivet for Guizot, who was sacrificed as obnoxious to the majority of the Chamber. In 1839 Soult was again made president of the council, and Guizot accepted the honourable post of ambassador to England. He was received at the court of London with distinguished regard; and he has himself recorded his sense of the flattering reception he experienced from all classes in Great Britain. His mission, however, was not of long duration, since another ministerial revolution

had again hoisted to the head of affairs the redoubtable Thiers, under whom he declined to serve. The warlike propensities evinced by Thiers, consequent upon the coalition of the other great powers to expel Mehemet Ali from Syria, induced the king to dismiss him; and in 1840 Louis-Philippe formed his last ministry, with Soult nominally at its head, but Guizot virtually its chief in the all-important post of minister of foreign affairs. Under this administration was finally consummated the catastrophe, which to the foreseeing had long hideously loomed, and against which the voice of warning had been raised in vain.

The Charter of 1830, and the government established under it, had been gradually becoming indifferent, if not repugnant, to the bulk of the French people, who viewed with amazement the successive variations of ministries, which produced indeed a change of men, but led to no modification of system, to no amelioration of measures. That this was a result almost inevitably entailed on a mushroom institution is perhaps too true, from the simple fact, that the primary function of every orderly government in France is to protect its existence from the ceaseless efforts of a faction the most unscrupulous and ruthless in its means of action known since the days of Catiline in the Roman Forum. The repeated attempts to assassinate the king, and the constant plots to subvert his throne, sufficiently attest this dire necessity, which nevertheless involved consequences most disastrous to his popularity and the durability of his dynasty. Compelled, in sheer self-defence, to adopt repressive measures against the abettors of anarchy, the friends of liberty, forgetting or overlooking the existing danger to order and to society itself, saw in these measures evidences of tyranny, and exclaimed against them as acts of treachery to the spirit of the constitution. In some instances these measures might be too severe, and those taken against the press would seem undoubtedly so, were it not that newspaper articles exercise so extraordinary an influence over the French, insomuch that Napoleon himself stood more in awe of them than of all the million bayonets of the Allies; but at least they were sanctioned by the principal men of all parties, save the extreme republicans, and for the moment acquiesced in as precautions of absolute necessity. Yet no situation can be conceived more unfortunate for a government than being thus continually driven to acts of harshness and severity even against inveterate malefactors, since it thereby becomes easy to represent it in odious colours. The whole system of the government appeared directed to one single aim—that of consolidating the dynasty on the throne, even at the expense of public liberty—and this idea being assiduously circulated, soon took root, and grew into a settled conviction throughout the country. Thus the king grew unpopular, if not odious, and durst not appear in public unless surrounded by innumerable guards. The only member of his family, the Duke of Orleans, who was at all beloved among the people, was unfortunately killed; and although another of his sons, the Prince de Joinville, attempted to gain popularity by pandering to the national hatred against England, he failed in his object; and the whole family came to be regarded by the nation with utter indifference, and perhaps aversion. This was strikingly exemplified in the case of the marriage of the Duke de Montpensier with the Infanta of Spain, which was brought about by means very discreditable to the heads of the French government, albeit regarding it as a master-stroke of policy, but which created no excitement among the people, who saw in it simply the aggrandisement of a family in whose fortunes they had ceased to feel any interest.

It was under such untoward circumstances, with M. Guizot as chief adviser of the crown, that an almost unanimous cry arose in France for electoral reform, such as had been long advocated by Odillon Barrot and his party. But for the general discontent existing against the government, it is probable this cry would have subsided, although founded on strict reason and justice; yet this discontent was unhappily further inflamed by certain disclosures of peculation on the part of high functionaries, which tended to show the entire system of the administration to be deeply tainted with corruption. The integrity of M. Guizot himself was never questioned, nor was he personally affected in character; but he could not escape the imputation of conniving at impurities, certainly of long-standing, and difficult to be eradicated, which could not fail to compromise the government under which they were allowed to continue. [Footnote 1]

[Footnote 1: M. Guizot carried his idea of ministerial integrity to the pitch of

austerity. When the Boy of Tunis was received in Paris, one of the questionable proceedings that marked the latter years of Louie-Philippe, he sent presents to Guizot's daughters, amounting in value to L.6000, which the latter immediately returned.]

The question of reform consequently grew in magnitude, and, independently of other causes, for these especial reasons—1***st***, The electoral system of the Charter was partial and defective; and, 2***ldy***, It had proved barren and fruitless. The qualification of an elector being fixed at the yearly payment of L.8, 6s. 8d. direct taxes, reduced the number of electors below 200,000 in a population of 35,000,000. Therefore the representation was partial and illusory. The constituencies were so unequal, that whereas in large towns there was only one deputy to every 2000 voters, in the rural districts there was one also to every 150 voters; and these last were, from the multitude of public functionaries in France, almost completely under the influence, and, in fact, close boroughs, of the government. It could not be denied, therefore, that the composition of the Chamber was unequal and defective, and that it might have been advantageously reformed. But Louis-Philippe had grown only the more wedded to his system of repression with increase of age, and he would hear of no change. Guizot himself was of stubborn and haughty temper, and though he might feel all the force of the arguments against the existing system, he scorned to yield to what might be deemed intimidation.

Confident in a force of 50,000 soldiers collected in the capital, confident in the majority of the Chamber of Deputies, which was actually composed of persons holding places under the crown, both king and minister looked with composure on the movement, determined to suppress it the moment it appeared to gather undue strength or wax in real danger.

During the winter of 1847, Reform Banquets were held in almost all the departments of France, which were signalised by the significant omission of the king's health from the list of toasts. This was in itself a circumstance sufficiently indicative of the low estimation in which the monarch was held, not among the lower classes, who are generally discontented with any government, but among the bulk of the middle classes, the assumed bulwarks of the throne. These banquets were of course watched, but were not interfered with by the authorities; but when the legislature again assembled at Paris for its usual session, in the beginning of 1848, it was resolved to hold one on a gigantic scale in the capital itself. This the government resolved to prevent, and accordingly interdicted it; afterwards it withdrew the prohibition, and eventually renewed it. This vacillation was most injurious; it bespoke the government to be in doubt and hesitation; it imparted to the reform leaders additional boldness and determination. They persisted in holding the banquet, which was appointed to take place on the 22d February. It would be out of place to pursue the subject in detail. Suffice it to say, that an insurrection of the people broke out, who erected barricades in the principal thoroughfares of Paris; the national guards and the troops refused to act against the populace, and in four-and-twenty hours Louis-Philippe was dethroned! The palace of the Tuileries was stormed and sacked; the mob burst into the Chamber of Deputies, whence they expelled the members, and proclaimed a Republic. The monarch, who a few days previously had seemed as firmly seated on his throne as any in Europe, who was esteemed as amongst the wisest and most sagacious, and who had to fence around him 500,000 bayonets, was a fugitive with his queen, flying in disguise, without money and without clothes, and at length reaching the shore of England in an old pea-coat borrowed from the master of a steamboat! So sudden and unaccountable an event has never occurred in the history of the world, studded as it is with remarkable vicissitudes and reverses of fortune. It is for the historian, and not for the biographer, to investigate its causes and trace its development.

The minister shared the fate of his master. With difficulty he escaped through the insurgent multitude, and making good his way to the Belgian frontier, took shipping at Ostend, and reached England in safety. For better security, he had despatched his mother and daughters in a different direction for the same destination, and upon his arrival, had the happiness to find they had preceded him. Now an exile from his native land, in which he has played so varied and

distinguished a part, he will at least have letters and philosophy to console him; nor will his sterner nature melt into those abject repinings for which we blush in Cicero. In leisure and retirement, he will complete those works which assure him a niche in the temple of fame, if the judgment of posterity be adverse to him as a statesman.

T. W. Redhead.

Since the arrival of M. Guizot in England, he has lived in studied seclusion. He has refused several invitations from public bodies, and even offers of honourable appointments, for it is the boast of Britain to feel sympathy with the unfortunate and the exiled; but upon one occasion he has been tempted from his privacy, and as the words of such a man must ever possess great value and interest, it is deemed fitting they should be here recorded. It was at a public entertainment given in August 1848 at Great Yarmouth, after the re-opening of St. Nicholas Church, that M. Guizot was present; and on his health being drunk by the chairman, he delivered himself as follows:—

> 'I have come but twice during my life to England. The first time I came as the ambassador of a powerful king; the second time as an exile from my native land. When I came the first time to your country, Europe was in a state of perfect tranquillity and prosperity; there was peace present, and confidence in the future. The second time, some months ago, when I came, my own country—Europe generally—was involved in much sadness and fears for the future; but I found England perfectly quiet, enjoying in the deepest tranquillity her liberty, her constitution, her moral, intellectual, and material prospects; and I was received as an exile, as I had been when an ambassador, with the same kindness, the same sympathy, and, I venture to say, with the same friendship. I have hitherto refused myself to every invitation—declined every invitation to great feasts and to great meetings. Far from my dear country, and deeply sad, it is my inclination as well as my duty to live in retirement; and this I am doing. But this occasion is one of a very different kind. The restoration of a church of God, the piety of an immense people, the eloquence of two worthy bishops—these were the motives that attracted me to your town, after I had refused every other invitation. Only one word more. Allow me to say to you, keep your faith—keep your laws—be faithful to the examples, to the tradition of your ancestors; and I trust God will continue to pour on you and your country His best, His most abundant, His most fertile blessings.'

History Of Civilisation In Europe.

Lecture I.
Objects Of The Course.
Of Civilisation In General.

Gentlemen—I am deeply affected at the reception with which you favour me, and which I accept as a pledge of the sympathy which has continued to exist between us, notwithstanding so long a separation. It is as if the same individuals, the same generation, who seven years ago took part in my labours, were now present within these walls. Because I myself return here, it seems to me that everything is as it was, that nothing is changed; yet all is changed, and changed for the better. Seven years ago, we entered this building with uneasiness, beset by sad and gloomy thoughts; we were aware that difficulties and perils surrounded us; we felt ourselves drawn towards an evil which we vainly strove to escape by a grave, calm, and reserved demeanour. Now we all come, you as well as I, with confidence and hope, our minds at peace, and our thoughts unshackled. There is only one mode by which we can testify our gratitude, gentlemen; and it is by observing in our meetings and our studies the same tranquillity and prudence that marked them when every day brought its fears that they would be fettered or suspended. Let us not forget that good fortune is of a delicate and fragile texture, and liable to accidents; that hope

requires moderation like fear; that the convalescent state demands almost the same cares and caution as the approaches of illness. I feel assured, gentlemen, that your ideas correspond with mine. The sympathy, the intimate and unreserved communication of opinions and sentiments, which united us in days of difficulty, and saved us at all events from indiscretions, will equally unite us at this more favourable period, and enable us to gather all its fruits. I reckon upon your acquiescence, gentlemen, and I need nothing more.

The time allowed us between this and the close of the year is very limited. I have myself had only a short period to arrange the course that I should present to you. I have sought a subject which might be the most completely handled, both with reference to the time that is left us, and to the few days that have been granted me for preparation. It has appeared to me that a general picture of the modern history of Europe, considered with respect to the development of civilisation—in other words, a glance at the history of European civilisation, of its origin, its progress, its objects, and its character—was best adapted for the space at our disposal. It is upon this subject, therefore, I have determined to address you.

I am justified in speaking of European civilisation, because it is evident that a certain identity prevails in the civilisation of the different states of Europe; that it results from facts nearly similar, notwithstanding great diversities in time, place, and circumstance; that it is traceable to the same principles, and has an almost universal tendency to analogous results. Thus I deduce an European civilisation, and with it, taken as a whole, I am desirous of interesting you.

On the other hand, it is equally clear that this civilisation is not to be looked for, that its history is not fully developed, in the history of any single state of Europe. If it possesses unity, its variety is not less prodigious: in no peculiar country can its progress be completely traced. Its features are scattered: the elements of its history are to be found sometimes in France, sometimes in England, sometimes in Germany, sometimes in Spain.

We hold a favourable position for prosecuting this search and study into European civilisation. We must avoid flattery to any individual, and even to our country; yet I believe we can say with truth that France has been the centre, the furnace, of the civilisation of Europe. It would be absurd to pretend that she has always marched in the van on all sides. She has been preceded in the arts at different eras by Italy; and in political institutions by England. Perhaps also, in other respects, we should find that other nations have at particular periods been superior to her; but it is impossible to deny that whenever France has perceived herself backward in the race, she has assumed a fresh vigour, has sprung forward, and has soon found herself equal to, or in advance of all. And not only has this come to pass; but when the civilising ideas or institutions, if I may be allowed the phrase, have been transplanted, to render them productive and universal, to fit them for the common good of European civilisation, we have seen them obliged, in some degree, to undergo a new preparatory process in France, and from her, as from a second country, of a richer and more fertile soil, go forth to the conquest of Europe. There is not a great idea, not a great principle of civilisation, which has not first passed through France to be disseminated in every quarter. There is something more sociable and sympathetic, something acting with more facility and energy, in the French character than in that of any other nation: either from our language, or the particular bent of our genius or our manners, our ideas are more popular, are more clearly perceptible to the masses, and penetrate amongst them more easily; in a word, perspicuity, sociability, and sympathy, are the peculiar characteristics of France and of her civilisation, and these qualities eminently fit her to march at the head of European civilisation.

Therefore, in entering upon the history of this great fact, it is from no arbitrary or conventional choice that we assume France as the centre of our studies, but rather that we thereby place ourselves, as it were, in the very heart of civilisation, in the very heart of what we are about to engage our minds in investigating. I call it a ***fact***, gentlemen, and I call it so designedly. Civilisation is a fact, and one as susceptible of being studied, described, and related, as any other in history.

It has long ago been remarked with justice, that history should be comprised in facts—that it should be a relation. Nothing is more true. But there are more facts to relate, and these facts are themselves more various than we are perhaps at first disposed to believe: there are the material, visible facts, such as battles, wars, the official acts of governments; there are the moral, hidden facts, which are not the less real; there are individual facts, which have a distinct designation; and there are general facts, having no designation, to which it is impossible to assign a precise date either of day or year, which it is impossible to include in prescribed limits, and which are unquestionably facts which cannot be excluded from history without mutilating it.

That portion which we are accustomed to name the philosophical part of history—the mutual relations of facts, the bond which unites them, the causes and the effects of events—is as much history as the recitals of battles and of external circumstances. Facts of this description are doubtless more difficult to unravel, and give frequent occasions for error: it is no easy task to give them animation, or present them in clear and vivid colours; but this difficulty affects not, nor changes, their nature, nor renders them a less essential part of history.

Civilisation is one of these facts, a general, hidden, complex fact; very difficult, I grant, to describe and relate, but not the less, on that account, possessing existence, and a right to be described and related. A great number of questions may be raised on this fact: it may be asked, indeed it has been asked, whether it is for good or evil? Some have most gloomy anticipations, others most bright. It may be also asked whether there be an universal civilisation of the human species, a destiny for humanity, and whether there has been transmitted from age to age something which cannot be lost, which must increase, form a store, and thus be passed on to the end of time? For my own part, I am convinced that there is, in fact, a general destiny for humanity, a transmission of the store of civilisation, and, as a necessary consequence, an universal history of civilisation to write. But without raising questions so grave and difficult to resolve, if we confine ourselves to a fixed interval of time and space—that is, if we limit our researches to the history of a certain number of centuries and of certain people—we shall find it clear, that within these bounds civilisation is a fact which can be described, related as matter of history. I do not hesitate to add, that its history is the most important of all, and that it embraces all others.

Is it not apparent that civilisation is the main fact, the general and definite fact, in which all others terminate and are included! Take all the facts which compose the history of a nation, they being generally considered as the elements of its existence; take its institutions, its commerce, its industrial movements, its wars, all the details of its government; and when we reflect upon these circumstances in their consolidated tendency, and in their relations, when we weigh and judge them, our view is directed to ascertain how they have contributed to the civilisation of that nation, in what proportion they have influenced it, what effect they have had in accomplishing it. We thus not only form a complete idea of them, but we measure and ascertain their real value: they are in some degree like rivers, the quantity of water conveyed by which to the ocean is matter of calculation. Civilisation is a species of ocean forming a nation's wealth, and in the bosom of which all the elements and sources of its existence are united. This is so true, that, with respect to facts—which are from their nature detestable, disastrous, a painful weight upon nations, as despotism and anarchy, for example—if they have contributed in some degree to civilisation, if they have given it a considerable impetus, up to a certain point we excuse and pardon their injuries and their evil nature; insomuch, that wherever we discover civilisation, and the facts which have tended to enrich it, we are tempted to forget the price it has cost.

There are, indeed, facts which, properly speaking, cannot be styled social—individual facts, seeming to interest the human soul rather than to affect public life: such are religious creeds and philosophical ideas, sciences, letters, and arts. These are matters apparently influencing man, either to perfect or delight him, and having for their object rather his internal amelioration or gratification, than his social condition. Yet it is with reference to civilisation that these very circumstances are frequently, and ought to be, considered. At all periods, in all lands, religion has

been glorified as an engine of civilisation; sciences, letters, and arts, all the intellectual and moral pursuits, have claimed a share in this glory; and we give them praise and honour in our opinion when we admit that their claims are just. Thus facts the most important and sublime in themselves, independently of all external result, and simply taken in their relations with the human soul, increase in importance, and rise in sublimity, from their connection with civilisation. So great is the value of this general fact, that it imparts consideration to everything it touches; and not only that, but there are even occasions when the matters of which we speak—religious creeds, philosophical ideas, letters, arts—are especially estimated and judged with reference to their influence upon civilisation; and the extent of this influence becomes, up to a certain point, and during a certain time, the decisive measure of their merit and value.

It is important to inquire, before undertaking its history, and with regard only to itself, in what consists this grave, and extensive, and precious matter, thus seeming to contain, and give expression to, the entire existence of nations. And here I shall avoid falling into pure philosophy; I shall avoid laying down a reasoning principle, and then deducing the nature of civilisation from it as a consequence: there would be many chances of error in such a method. We encounter a fact preliminarily which requires to be verified and described.

During a long period, and in many countries, the word civilisation has been used; ideas more or less clear, more or less expansive, have been attached to it, but it is in general use, and it is understood. It is the general, human, popular meaning of this word that we must study. It almost invariably occurs, that in the usual acceptation of terms most in vogue, there is more truth than in the more rigorous, and apparently more precise, definitions of science. It is good sense which gives their common signification to words, and good sense is the genius of humanity. The popular meaning of a word is constituted by a successive process as facts actually arise; so that when a matter presents itself which seems to be comprised within the meaning of a received term, it is comprehended within it by, as it were, a natural tendency: the signification of the term expands and takes a larger compass; and by degrees the various facts and ideas which, from the very nature of things, men should include under this word, become so included in reality. When the meaning of a word, on the contrary, is determined by science, such determination, being fixed by one or a small number of individuals, is controlled by some particular fact which has struck their minds. Thus scientific definitions are in general much more confined, and from that circumstance alone, much less true at bottom, than popular acceptations. In studying, as a fact, the meaning of the word ***civilisation***, in investigating all the ideas comprised within it, according to the common sense of mankind, we shall make greater progress in gaining a knowledge of the fact itself, than if we endeavoured to form for ourselves a scientific definition, although it might appear at first more clear and precise.

As a commencement to this investigation, I shall attempt to place before you certain hypotheses —I shall describe certain states of society; and then will arise the question, Whether, by general instinct, the condition of a people advancing in civilisation is at once recognised—whether the meaning which mankind attach naturally to the word ***civilisation*** is thereby developed?

Let us take a people whose outward existence is agreeable and comfortable, paying few taxes, exposed to no suffering, amongst whom justice is well administered in private affairs; in a word, whose material existence, in its full extent, is well and happily regulated. But at the same time, the intellectual and moral existence of this people is studiously held in a state of numbness and inactivity, I will not say in a state of oppression, because the feeling is unknown to it, but of compression. This order of things is not without example. There has been a great number of small aristocratic republics in which the people have been treated like flocks, well tended, and materially happy, but without moral and intellectual activity. Is this civilisation! Is this a people in the process of self-civilisation?

Let us take another hypothesis. Here is a people whose material existence is less agreeable, less comfortable, yet supportable. But in return, its moral and intellectual wants have not been

neglected; a certain extent of pasture has been afforded them; elevated and pure sentiments are cultivated amongst this people; systems of religion and morality have attained a certain degree of development; but great care is taken to strangle the principle of liberty. Here the intellectual and moral wants, as before the physical wants, are satisfied: to each individual is meted out a portion of truth, but he is not permitted to seek it freely of himself alone. The characteristic of the moral life is immobility; it is the state into which the major part of the Asiatic populations has fallen, where theocratic dominations repress elasticity; it is the state of the Hindoos, for example. I ask the same question as before—Is this a people advancing in civilisation?

I change altogether the nature of the hypothesis. Here is a people amongst whom is a great development of certain individual liberties, but where disorder and inequality are excessive; the empire of force and chance: he who is not strong is oppressed, suffers, and perishes. Violence is the characteristic of the social state. Every person knows that Europe has passed through this state. Is it a civilised condition? It may doubtless contain the principles of civilisation, which will be successively developed; but the predominant fact in such a society is most assuredly not that which the common sense of mankind calls civilisation.

I take a fourth and last hypothesis. The liberty of each individual is very great, inequality is rare, or at least temporary. Each does almost what he pleases, and differs little in power with his neighbour; but there are very few general interests, public ideas or sentiments, very little society; in a word, the faculties and career of individuals are deployed, and run in isolation, without mutual action, and without leaving any marks behind: successive generations leave society at the same point at which it has come to them. This is the state of savage tribes: liberty and equality are there, and yet as certainly is not civilisation.

I could multiply these hypotheses, but I think we have enough to prove what is the popular and natural meaning of the word civilisation.

It is clear that none of the conditions which I have glanced at answers, according to the common sense of mankind, to this term. Why? It appears to me that the first fact comprised in the word ***civilisation*** (and this is deducible from the different examples I have brought forward), is that of progress, of development; its application is identical with the idea of a people on the move, not for a change of locality, but of condition; of a people whose state is in the process of expansion and amelioration. Progress and development appear to me the fundamental ideas contained in the word civilisation.

What is this progress? what this development? Here stands the great difficulty.

The etymology of the word seems to afford a clear and satisfactory solution; it says that it is the perfection of the civil life, the development of society, properly so called, of the relations of men amongst themselves.

Such is, in reality, the first idea which presents itself to the human understanding when the word ***civilisation*** is pronounced; the extension of the social relations, the imparting to them the greatest activity, the most perfect organisation, are matters of immediate implication: on the one hand, an increasing production of the means which secure strength and happiness to society; on the other, a more equitable distribution amongst individuals of the strength and happiness produced.

Is this all? Have we exhausted all that its natural and prevailing meaning conveys? Does the fact of civilisation contain nothing more?

It is almost as if we asked—Is the human species a mere swarm or aggregation demanding only order and plenty, in which the greater the amount of labour, and the more equitable the appropriation of the fruits of labour, the more effectually will the object be attained and the progress accomplished?

The human instinct rejects so narrow a definition of the destiny of mankind. At the first glance, it concludes that the word ***civilisation*** comprehends something more extended and complex, something superior to the mere perfection of the social relations, or of social power and happiness.

Facts, public opinion, the generally received acceptation of the term, are in accordance with this instinct.

Take Rome in the glorious periods of the republic, after the second Punic war, at the time of its greatest virtues, when it was marching to the empire of the world, when its social state was in evident progress: then take Rome under Augustus, at the era of the commencement of decay, when, at all events, the progressive movement of society was arrested, when evil principles were on the point of prevailing; and yet there is no one who does not think and say that the Rome of Augustus was more civilised than the Rome of Fabricius and Cincinnatus.

Again, let us take France in the seventeenth and eighteenth centuries. In a social point of view, regarding the amount and distribution of prosperity amongst individuals, France, at those periods, was undoubtedly inferior to some other countries of Europe—to Holland and England, for example. I believe that the social activity in Holland and England was greater, increased more rapidly, and distributed its results better, than in France; yet if we consult general opinion, it will say that France, in the seventeenth and eighteenth centuries, was the most civilised country in Europe. There was no hesitation upon the question: the evidences of this public conviction, as to France, are found in all the records of European literature.

I might point out several other states in which prosperity is greater, of more rapid growth, and better dissemination amongst individuals, than elsewhere, and in which, nevertheless, according to the spontaneous instinct, the common understanding of men, civilisation is estimated as inferior to that of other countries not so well situated in a purely social sense.

How come these countries, then, thus styled civilised, to possess their exclusive right? How are they so largely compensated, in the opinion of mankind, for what they are so deficient in on other grounds?

A different development from that of social life has been brilliantly manifested by them—the development of the individual and mental existence, the development of man himself, of his faculties, sentiments, and ideas. If society be more imperfect than in other places, humanity appears with more grandeur and power. Many social conquests remain to be made, but prodigious moral and intellectual conquests are effected; many possessions and rights are wanting to numbers of men, but many great men live and shine in the eyes of the world. Letters, sciences, and arts, display all their splendour. Wherever mankind beholds these great images, so glorious to human nature, come forth resplendently, wherever it finds the treasury of those elevating gratifications, it there recognises and pronounces civilisation.

Two facts are therefore comprised in this great fact; it is based on two conditions, and is revealed by two symptoms—the development of social activity and that of individual activity; the progress of society and the progress of humanity. Wherever the external condition of man progresses, is quickened and ameliorated, wherever the internal nature of man is exhibited with lustre and grandeur—upon these two signs, the human race applauds and proclaims civilisation, often even in spite of fundamental imperfections in the social state.

Such, if I mistake not, is the result of the simple and merely common-sense examination of the general opinion of mankind. If we investigate history, properly so called, if we inquire into the nature of the great crises of civilisation, of those facts which, by universal confession, have given it a great impulse, we shall invariably recognise one or other of the two elements I have just described. They are always crises of individual or social development, or facts which have

wrought a change in the internal man, in his creeds or habits, or in his external condition, or his position in relation to his fellow mortals. For example, Christianity, not merely at its first introduction, but during the first ages of its existence, in no degree addressed itself to the social state; it proclaimed aloud that it did not interfere with it; it ordered the slave to obey his master; it attacked none of the great evils and iniquities of the society of that period. Who, however, will deny that Christianity, from the first, was a great crisis in civilisation? Why? Because it changed the internal man, the prevailing principles and sentiments, because it regenerated the moral and intellectual man.

We have witnessed a crisis of another nature, one which was addressed, not to the internal man, but to his external condition, which has changed and regenerated society. That, likewise, was assuredly one of the decisive crises of civilisation. Run through the whole of history, you will everywhere find the same result: you will not discover any important fact aiding in the development of civilisation, which has not exercised one or other of the two sorts of influence which I have mentioned.

Such is, I conceive, the natural and popular meaning of the term; and we have the fact, I will not say defined, but described and exemplified almost completely, or at least in its general features. We understand the two elements of civilisation. Now, we ask ourselves, Whether one of these two things suffices to constitute it—whether, if the development of the social state, or that of the individual man, be presented in disjunction, there would be civilisation? Would the human race recognise it as such? or is there between the two facts so intimate and necessary a relation, that if they are not simultaneously produced, they are notwithstanding inseparable, and the one draws on the other sooner or later?

It appears to me we may approach this question on three sides. We may examine the real nature of the two elements of civilisation, and inquire whether by that alone they are closely united, and mutually necessary or not? We may institute a historical search to ascertain if they have, in reality, been made manifest separately, or if they have always produced each other. We may finally consult the general opinion of mankind, common sense. I will first address myself to the general opinion.

When a great change is effected in the state of a country, when a great development of wealth and power, and a revolution in the distribution of the social prosperity, are worked out, this new order of things encounters adversaries, provokes combats: it cannot be otherwise. What say the enemies of the change? They say that this progress in the social state does not ameliorate or regenerate the moral and internal condition of man, that it is a false and deceitful progress, detrimental to morality and the true interests of mankind. On the other hand, the friends of the social development repel this attack with great energy, and maintain, in opposition, that the progress of society necessarily draws with it the progress of morality, and that when the external life is better regulated, the internal is rectified and made purer. Thus stands the question between the opponents and the partisans of the new order of things.

Reverse the hypothesis: suppose the moral development in progress. What do the men who labour at it usually promise? What, at the origin of societies, have religious leaders, sages and poets, held out, when striving to soften and improve manners?— the amelioration of the social condition, the more equitable distribution of worldly goods.

Now, I ask, what do these disputes on the one hand, and these promises on the other, imply! Doubtless that in the spontaneous, instinctive conviction of mankind, the two elements of civilisation, the social and moral developments, are intimately connected, and that the appearance of one is the assured harbinger of the other. It is to this natural conviction that the arguments are addressed, when, for the purpose of assisting or repulsing the one or the other of the two developments, their union is affirmed or denied. It is known that if men can be persuaded that the improvement of the social condition will be detrimental to the moral progress of

individuals, the revolution effected in society will be successfully decried and enfeebled. On the other hand, when men are promised the amelioration of society as a consequence of individual improvement, it is known that their tendency is to believe in such promise, and it is effectually appealed to. Thus it clearly results that the instinct of humanity is enlisted in the belief that the two elements of civilisation are bound up in each other, and are reciprocally productive.

If we turn to the history of the world, we shall arrive at the same conclusion. We shall find that all the great developments of the moral being have resulted in the advantage of society, and that all the great developments of the social condition have raised the character of humanity. The movement takes its peculiar character from whichever of the two facts predominates and lends its lustre. Sometimes long intervals of time, a thousand transformations and obstacles, occur before the second fact is developed, and comes, as it were, to complete the civilisation which the first had commenced. But close observation convinces us of the bond which unites them. The ways of Providence are not confined within narrow limits; he hurries not himself to display to-day the consequence of the principle that he yesterday laid down; he will draw it out in the lapse of ages when the hour is come; and even according to ***our*** reasoning, logic is not the less sure because it is slow. Providence is unconcerned as to time; his march (if I may be allowed the simile) is like that of the fabulous deities of Homer through space; he takes a step, and ages have elapsed. How long a time, how many events, before the regeneration of the moral man by Christianity exercised its great and legitimate influence upon the regeneration of the social state! It has succeeded, however: who can at this day gainsay it?

If we pass from history to the actual nature of the two facts which constitute civilisation, we are irresistibly led to the same result. It is consistent with the personal experience of every individual. When a moral change is worked upon a man, when he acquires an idea, a virtue, or a faculty, the more, in a word, when his individual powers gain fuller development, what sudden desire possesses him? It is the necessity he feels to bring his sentiments into the external world, and realise his conceptions. As soon as a man makes an acquisition, as soon as his being takes in his own eyes a fresh development and additional value, to this improved development and value is immediately attached by himself the idea of a mission: he feels himself compelled and driven by his instinct, by an internal voice, to spread and make predominant abroad the alteration, the amendment, that has been effected within himself. We owe great reformers to no other cause: the great men who have changed the face of the world, after being changed themselves, have been urged and governed by no other necessity. So much for the alteration that is worked out in the internal man: let us take the other. A revolution is accomplished in the state of society; it is better regulated, rights and possessions are more justly disseminated amongst individuals—that is to say, the aspect of the world is fairer and brighter, the action, both of governments and of men in their mutual relations, is improved. Is it credible that the contemplation of this spectacle, that this amelioration in external affairs, will have no reaction on the internal man, on humanity? All that is predicated of the authority of examples, habits, and good models, is based upon nothing, unless it be upon the conviction that an external, advantageous, reasonable, and well-regulated order of things leads sooner or later, more or less completely, to an internal order of the same nature and the same merit; that a better arranged and juster world renders man himself more just; that the inward is reformed by the outward, as the outward by the inward; that the two elements of civilisation are closely linked together; that ages and various impediments may be cast between them; that it is possible they may have to undergo a thousand transformations in order to be rejoined, but that earlier or later they will be rejoined; that such is the law of their nature, the leading fact of history, the instinctive faith of the human species.

Thus far, I think, without exhausting the subject, I have laid bare in a complete, though cursory manner, the fact of civilisation: I think I have described it, and assigned its limits, and I have weighed the principal and fundamental questions to which it gives rise. I might here stop, but I cannot avoid mentioning a question which meets me at this stage of the inquiry; one of those questions which are not strictly historical, and which I will call not hypothetical, but conjectural; questions which we can grasp at only one of the ends, without the possibility of ever reaching the

other, nor can we make their circuit, nor behold more than one of their sides; and yet they are certainly not the less real, nor less imperatively call for our deep reflection, since they, in spite of ourselves, and at all moments, are forced upon our observation.

Of those two developments of which we have just spoken, and which constitute the fact of civilisation, that of society on the one hand, and that of humanity on the other, which is the end, and which is the means? Is it to expedite the perfectibility of his social condition, for the amelioration of his earthly existence, that man developes his faculties, sentiments, ideas, his whole being?—or rather is not the improvement of the social condition, the progress of society, society itself, the theatre, occasion, and stimulant of the individual development? In a word, is society made to serve the individual, or the individual to serve society? On the answer to this question inevitably depends the decision whether the destiny of man is purely social, whether society drains and absorbs the whole man, or he bears within him something foreign and superior to his existence on earth.

M. Royer-Collard, a man whom I am proud to call my friend, who has passed from such peaceable meetings as ours to assume the first station in more stormy and influential assemblies, and whose words remain engraved wherever they fall, has solved this question, or he has at least, according to his own conviction, solved it, in his speech on the project of law relative to sacrilege. I find in that speech these two sentences: 'Human societies are born, live, and die on the earth; their destinies are there accomplished. But they contain not the whole man. After he has bound himself to society, there remains to him the noblest part of himself, those lofty powers by which he elevates himself to God, to a future life, to unknown bliss in an invisible world. We as individual and identical creatures, as veritable beings endowed with immortality, have a different destiny to that of states.'

I will add nothing, nor will I undertake to treat the question itself; I content myself with bringing it forward. It will be met at the end of the history of civilisation. When the history of civilisation is run through, when there is nothing more to say concerning actual life, we are irresistibly driven to ask ourselves whether all is exhausted, whether we have reached the end? This, then, is the last and highest problem to which the history of civilisation can conduct us. It is sufficient for me to have indicated its position and importance.

From all that I have said, it is clear that the history of civilisation may be treated of after two modes, drained at two sources, considered under two different aspects. The historian may place himself in the depths of the human mind for a given period, a series of ages, and amongst a certain people; he may study, describe, relate all the events, transformations, and revolutions which are accomplished in the internal man; and when he has reached the end, he will have a history of civilisation amongst the people, and for the period he chose. He may proceed in a different manner. Instead of penetrating the inward man, he may place himself in the midst of the worldly spectacle; instead of describing the vicissitudes in the ideas and sentiments of the individual being, he may describe external facts, the events and fluctuations of the social state. These two portions, these two histories, of civilisation are closely united to each other; each is the reflection and image of the other. Nevertheless, they may be separated, and perhaps they ought to be so, at least in the beginning, in order that both the one and the other may be treated of in detail, and with perspicuity. For my own part, I do not propose to investigate the history of civilisation in the inward workings of the human mind; it is only with the history of the external events of the visible and social world that I shall occupy myself. I had a desire to unfold the fact of civilisation, such as I conceive it, in all its complexity and extent, and to lay down all those great questions which may spring from it. But at present I restrict myself, and narrow my field of inquiry; it is only the history of the social state that I purpose entering upon.

We shall begin by searching out all the elements of European civilisation in its cradle, at the fall of the Roman empire; we will study with attention society, such as it was, in the midst of those famous ruins. We will endeavour, not indeed to resuscitate, but to rear its elements side by side;

and when we have them placed, we will strive to make them move, and to follow them in their developments, through the fifteen centuries that have elapsed since that epoch.

When we have advanced some way into this study, I believe we shall very shortly feel convinced that civilisation is very youthful, and that a great deal is wanting before the world can measure its career. Human thought is most assuredly very far from being at this day all that it may become, and we are very far from embracing the whole future of humanity. Let each individual search his own mind, let him interrogate himself as to the greatest possible good of which he can form a conception or a hope, and then compare his ideas with what actually exists at this moment in the world; he will be convinced that society and civilisation are very young, and that in spite of all the advance they have made, they have incomparably more to make. But this conclusion will not lessen the pleasure we shall experience in the contemplation of our actual condition. When our attention is awakened to the great critical junctures in the history of civilisation in Europe during fifteen centuries, we shall see how laborious, stormy, and harsh the condition of mankind has been, even to our own time, not only outwardly, and in the social state, but also inwardly, in the mental existence. For all those ages, the human mind has had to suffer as much as the human species. We shall see that, for the first time perhaps in modern times, the human mind has arrived at a state, certainly very imperfect, but in which some peace and harmony reign. It is the same with society; it has evidently made immense strides: the condition of men is easy and just when compared with what it previously was. We may almost apply to ourselves, when thinking of our ancestors, the verses of Lucretius:

> Suave mari magno, turbantibus æquora ventis, E terrâ magnum alterius spectare laborem. [Footnote 2]
>
> [Footnote 2: We can look calmly from the land on the perils of another tossed on the ocean by turbulent winds.]

We may even say of ourselves, without too much pride, as Sthenelaus in Homer:

[Footnote 3]

> [Footnote 3: We are thankful to Heaven that we are worth infinitely more than those that went before us.]

Let us be careful, however, not to give up ourselves too much to the idea of our happiness and amelioration, or we may fall into two great dangers, pride and relaxation; and by placing too great a confidence in the power and success of the human mind, and of our actual advancement, we may become enervated by the agreeableness of our condition. I know not whether others are struck with the same thought as myself, but in my opinion we are perpetually fluctuating between the temptation to complain of having too little, and that of pluming ourselves on too much. We have a mental susceptibility, an illimitable want and ambition in the thought, in the desires, in the workings of the imagination; and when we bring them to the practical ordeal of life—and it behoves us to undergo pain, and make sacrifices and efforts, to attain the object—our arms droop, and fall listless. We despond with a facility almost equal to the impatience with which we desire. We must take care not to be carried away by either one or other of these two failings. Let us accustom ourselves to a just measurement of what we can legitimately effect with our powers, science, and strength; and let us pretend to nothing more than what can be legitimately, justly, and regularly acquired, with a due regard to the principles upon which our civilisation itself reposes. We sometimes seem disposed to invoke principles that we condemn and despise, the principles and means of barbarous Europe—force, violence, falsehood, habitual usages four or five centuries ago. And when we have yielded to this desire, we find in ourselves neither the perseverance nor the savage energy of the men of those times, who endured much suffering, and who, dissatisfied with their condition, laboured unceasingly to get freed from it. We are satisfied with ours; let us eschew the risks of vague desires, the time for which has not yet come. Much

has been given to us, and much will be required from us: we must render to posterity a severe account of our conduct: at the present day, all people and governments must submit to discussion, examination, and responsibility. Let us firmly and faithfully adhere to the principles of our civilisation, justice, legality, publicity, liberty; and let us never forget that if we most reasonably ask that all things should be laid open to us, we are ourselves under the eye of the world, and will in our turn be examined and judged.

[There are some remarks at the commencement of this lecture so purely personal between M. Guizot and his hearers, as to induce the translator to omit them.]

Lecture II.
Peculiar Features Of Civilisation In Europe.
Influence Of The Church.

I have endeavoured, in the preceding lecture, to explain the fact of civilisation in general, without speaking of any civilisation in particular, without referring to circumstances of time and place, but viewing the fact in itself, and in a purely philosophical light. To-day I broach the history of European civilisation; but before entering upon the strict recital, I wish to give a general idea of the peculiar physiognomy of this civilisation. I wish to characterise it so distinctly, that it may appear quite apart from all the other civilisations that have been developed in the world. I am about to attempt this, but I can do little more than so declare, for I dare scarcely flatter myself that I shall succeed in depicting European society with so much fidelity as to lead you at once to recognise it as a true picture.

When we observe the civilisations which have preceded that of modern Europe, whether in Asia or elsewhere, including the Greek and Roman civilisation, it is impossible not to be struck with the unity which prevails in them. They appear to have emanated from a single fact, from a single idea: it would seem as if society clung to one great principle, which controlled it, and determined its institutions, manners, opinions; in a word, all its developments.

In Egypt, for example, it was the theocratic principle upon which the whole social state depended; it was pourtrayed in its manners, on its monuments, and all that remains to us of the Egyptian civilisation. In India, the same fact is perceptible—the almost exclusive domination of the theocratic principle. In other quarters we discern another organisation—the dominion of a conquering tribe: the principle of force alone possesses society, and imposes upon it laws and character. Again, elsewhere, the society is the expression of the democratic principle; thus it appeared in the commercial republics which covered the coasts of Asia-Minor and Syria, Ionia and Phoenicia. Thus, when we survey the ancient civilisations, we find them all impressed with a singular character of unity in institutions, ideas, and manners; a single, or at least a very preponderating power, governs and decides everything.

I do not say that this unity of principle and organisation always prevailed in the civilisation of these states. If we go back to their more ancient history, we find that the different powers that may be formed in the bosom of one society often disputed for empire. Amongst the Egyptians, Etruscans, even the Greeks, &c. the caste of warriors, for example, strove against that of the priests; in other places, the spirit of clan against the spirit of free association, the aristocratic system against the popular system, &c. But, generally speaking, it was in the ante-historical periods that those contests occurred; only a vague recollection of them remained.

The struggle sometimes recurred in the course of their career; but it was almost always promptly terminated: one of the powers that disputed the sway speedily carried it and took sole possession of the society. The war always finished by the dominion, if not exclusive, at least greatly preponderating, of some special principle. The co-existence and the combat of different principles were but a passing crisis, an accidental circumstance, in the history of these people.

Thence resulted a remarkable simplicity in the major part of the ancient civilisations, but attended with different consequences. Sometimes, as in Greece, the simplicity of the social principle drew forth a prodigiously rapid development; never did a people unfold itself in so short a period, or with such lustre. But after that wonderful burst, Greece suddenly appeared exhausted; its decay, if it were not quite so rapid as its progress, was nevertheless singularly prompt. It would seem that the creative power of the principle of Greek civilisation was worn out, and none other came to invigorate it. In other countries—in Egypt and India, for example—the uniformity of the civilising principle had a different effect; society fell into a stationary state. Simplicity produced monotony; the country was not destroyed, society continued to subsist, but motionless and frozen, as it were.

It is to this same cause that that character of tyranny is traceable which prevailed, under the most different forms, and as an embodiment of principles, in all the ancient civilisations. Society belonged to one exclusive power which would tolerate no other. Every different tendency was proscribed and rooted out. The dominant principle never would permit the coeval manifestation and action of a distinct principle.

This character of unity in the civilisation is equally stamped on the literature and on the works of the mind. Who is not acquainted with the records of Indian literature not long ago disseminated through Europe? It cannot fail to be remarked that they are all imbued with the same spirit; they appear all the result of an identical fact, the expression of an identical idea. Works of religion or morals, historical traditions, dramatic and epic poetry, on all is the same characteristic impressed; the labours of the mind bear that same impress of simplicity and monotony which is observable in their transactions and institutions. In Greece, even, amidst all the riches of the human understanding, a singular uniformity prevails in literature and in arts.

It has been quite otherwise with the civilisation of modern Europe. Without entering into detail, look around and collect your thoughts; it will immediately appear to you a varied, confused, and stormy scene; all the forms and principles of social organisation are there co-existent; spiritual and temporal powers, theocratical, monarchical, aristocratical, and democratical elements, all classes, and all the social arrangements, are mingled and pressing on each other: there are extreme degrees as to liberty, wealth, and influence. And these different powers are in a state of continual strife amongst themselves, without any one succeeding in stifling the others, and taking sole possession of society. In the olden times, all societies seem, at every great epoch, to have been cast in the same mould: it is sometimes pure monarchy, sometimes theocracy or democracy which prevails, but each completely lords it in its turn. Modern Europe presents examples of all the systems and theories of social organisation; pure or mixed monarchies, theocracies, republics, more or less aristocratic, exist there simultaneously side by side; and notwithstanding their diversity, they have all a certain resemblance, a certain family aspect, which it is impossible to overlook.

In the ideas and sentiments of Europe there is the same variety, the same combat. The theocratical, monarchical, aristocratical, and popular creeds, encounter, struggle with, limit, and modify each other. Open the boldest writings of the middle age; no idea is ever followed to its ultimate consequences. The partisans of absolute power recoil at once, and unknown to themselves, before the results of their doctrine: they feel that there are ideas and influences around them which arrest them, and prevent their pushing to extremities. The democrats are subject to the same law. On neither side is that imperturbable audacity, that stubbornness of logic, which are displayed in the ancient civilisations. The sentiments present the same contrasts, the same variety; an energetic zeal for independence accompanying a great facility in submission; a singular fidelity of man to man, and at the same time an uncontrollable desire to exercise free will, to cast aside all restraint, to live selfishly, without concern for others. The minds are as various and as agitated as the social state.

The same character is found in the literatures. We cannot but confess that in artistic form and beauty they are far inferior to the ancient literature; but in the depth of the sentiments and ideas, they are more vigorous and rich. It is evident that the later human mind has been moved on far more points, and to a much greater depth. The imperfection of form proceeds from this very cause. The more rich and numerous the materials, the more difficult it is to reduce them into a simple and pure form. What makes the beauty of a composition—that which we call form in works of art—is clearness, simplicity, a symbolic unity of workmanship. From the prodigious diversity of ideas and sentiments in the European civilisation, it has been much more difficult to attain this simplicity and perspicuity.

This predominant character in the modern civilisation is thus everywhere perceptible. It has doubtless been attended with this consequence, that on considering by itself such or such particular development of the human mind in letters, in arts, indeed in all the directions in which it may advance, we find it, in general, inferior to the correspondent development in the ancient civilisations; but in return, when we look at the whole, the European civilisation shows itself incomparably richer than any other, and it has simultaneously exhibited a much greater number of different developments. It has now existed for fifteen centuries, and it is yet in a state of continuous progression; it has not advanced by many degrees as quickly as the Greek civilisation, but it has never ceased to wax in vigour. A boundless career is open before it, and day by day it presses onward the more rapidly, since an increasing liberty accompanies all its movements. Whilst in the earlier civilisations the exclusive domination, or at least the excessive preponderance, of a single principle, of a single organisation, was the cause of tyranny, the diversity of the elements of social order in modern Europe, and the impossibility that has been met with of any excluding another, have generated the liberty which reigns at present. Lacking the power to exterminate, the different principles have been fain to live together, and to make amongst themselves a sort of forced compact. Each has agreed to take only so much development as it could fairly gain; and whilst elsewhere the preponderance of one principle produced tyranny, in Europe liberty has resulted from the variety in the elements of civilisation, and from the state of combat in which they have been constantly involved.

There is a real and immense superiority in this; and if we go farther, and penetrate beyond the outward facts, into the very nature of things, we shall find that this superiority is approved and supported by reason, as well as demonstrated by facts. Passing by for a moment European civilisation, let us cast our eyes upon the world at large, upon the general course of terrestrial affairs. What is its character? How moves the world? It moves precisely with this diversity and variety of elements, a prey to this incessant struggle that we remark in European civilisation. It has evidently been granted to no particular principle or organisation, to no special idea or power, to gain possession of the world to fashion it once for all, to banish from it all other tendencies, and establish an exclusive sway. Different powers, principles, and systems, are engaged in ceaseless strife, commingling with and limiting each other, alternately predominant and oppressed, but never completely conquered or conquerors. Such is the general condition of the world with regard to the diversity of forms, ideas, and principles, their mutual combats, and their

effort towards a certain unity, a certain ideal perfection, which will be perhaps never reached, but to which the human species is tending by freedom and laborious exertion. European civilisation is, then, the image of the world: like the course of things in this world, it is neither narrow, nor exclusive, nor stationary. For the first time, as I conceive, the character of specialty has disappeared from civilisation; for the first time it has been developed with the variety, richness, and activity of the great theatre of the universe.

The European civilisation has entered, if it be permitted me to say so, into the eternal truth, into the plan of Providence; it advances according to the intentions of God. This is the rational solution of its superiority.

I am anxious that this fundamental and distinctive character of European civilisation be borne in mind. It is true that at the present moment I only assert it, for the proof must be furnished by the development of facts. Nevertheless, it will be allowed as an important confirmation of my views, if the causes and elements of the character which I attribute to our civilisation are found at its very cradle; if at the moment when it was first born, at the period of the fall of the Roman Empire, we discover in the state of the world, and in the facts which, from its earliest days, have concurred in forming the European civilisation, the active principle of this tumultuous but fruitful diversity which so distinguishes it. Into this scrutiny I am about to enter. I shall proceed to examine the state of Europe at the fall of the Roman Empire, and endeavour to discover, by an investigation into institutions, creeds, ideas, and sentiments, what were the elements which the ancient world bequeathed to the modern. If we distinguish in these elements that character strongly marked which I have just described, it will form a groundwork for belief in its justness.

First of all, it will be necessary to have a correct conception of what the Roman Empire was, and how it was constituted.

Rome at its origin was only a municipality, a corporation. The Roman government was a mere concentration of the institutions which are suited to a people shut up within the walls of a town—that is, municipal institutions. Such was its distinctive character.

This was not peculiar to Rome. When we look at Italy at this epoch, around Rome, we find nothing but towns. What were then called people, were mere confederations of towns. The Latin people was a confederation of Latin towns. The Etruscans, the Samnites, the Sabines, the people of Græcia Magna, were all in the same state.

At this era there was no country—that is to say, the country had no resemblance to what it is at present; it was cultivated—that was necessary; but it was not inhabited. The rural proprietors were the inhabitants of the cities; they went out to look after their farms, and they often kept a certain number of slaves upon them; but what we at present call the country, consisting of a scattered population, in isolated abodes, or in villages, strewed over the whole soil, was a thing altogether unknown to ancient Italy.

When Rome extended, what were her proceedings? Peruse her history, and you will see that she conquered or founded towns; it was against towns she fought, or with towns she made treaties, and also into towns she sent colonies. The history of the conquest of the world by Rome, is the history of the conquest and founding of a great number of cities. In the East, the extension of the Roman sway does not quite bear this character; the population was there distributed differently from the western: being under another social system, it was much less concentrated in towns. But as it is only with the European population that we are interested, what was passing in the East is of little importance.

Confining ourselves to the West, we everywhere discern the fact that I have pointed out. In Gaul, in Spain, we meet with nothing but towns; at a distance from them, the territory is covered with marshes and forests. Examine the character of the Roman monuments, of the Roman roads. We

find great roads leading from one town to another; that multitude of small roads which now intersect the country in every direction had no existence. There was nothing resembling that countless throng of small monuments, villages, country-houses, churches, dispersed over the land since the middle ages. Rome has transmitted to us only colossal monuments impressed with the municipal character, suited for a numerous population collected at one point. Under whatever aspect the Roman world may be considered, this almost exclusive preponderance of cities, and the consequent non-existence of a country, socially speaking, will be found. This municipal character in the Roman world evidently rendered the unity and social bond of a great state extremely difficult to establish and maintain. A municipality like Rome had been able to conquer the world, but it was not so easy a task to govern and organise it. Thus, when the work seemed consummated, when all the West, and a great part of the East, had fallen under the Roman sway, we find this prodigious accumulation of cities, of small states instituted for isolation and independence, disunited, detached from each other, and slipping the noose, as it were, in all directions. This was one of the causes which led to the necessity of an empire of a more concentrated form of government, and one more capable of holding elements so slightly coherent in a state of union. The empire endeavoured to introduce unity and connection into this scattered society. It succeeded to a certain extent. Between the reigns of Augustus and Diocletian, a civil legislation was developed, coincidental with that vast system of administrative despotism which spread over the Roman world a network of functionaries upon a hierarchical form of distribution, closely linked amongst themselves, and to the imperial court, and solely employed in giving effect to the decrees of power in society, and in rendering available to power the tributes and capabilities of society.

Not only did this system succeed in rallying and compressing together the elements of the Roman world, but the idea of a despotism, of a central power, penetrated the minds of men with a singular facility. We are astonished at beholding in this ill-united collection of small republics, in this association of municipalities, a reverence for the imperial majesty, sole, august, and sacred, prevail with such rapidity. The necessity of establishing some common bond between all these portions of the Roman world must have been extremely urgent when the modes and almost the sentiments of despotism found so ready an acceptation in the minds of men.

The Roman Empire was sustained against the dissolution which was threatened from within, and against the barbaric invasions from without, by these principles, by its administrative organisation, and by the system of military organisation which was joined to it. It strove for a long time in a continual state of decay, but always defending itself. The moment at last arrived when the struggle ceased; neither the skill and sagacity of despotism, nor the stolid imperturbability of subjection, any longer sufficed to hold up this great body. In the fourth century it was rented and dismembered on all sides; the barbarians poured in at all points; the provinces no longer made any resistance, or concerned themselves with the general destiny. It was then that a singular idea came into the heads of certain emperors; they wished to make an experiment whether hopes of general freedom, a confederation or system analogous to what we at the present day call the representative form of government, would not better defend the unity of the Roman Empire than the despotic administration. Here is a rescript of Honorius and Theodosius the younger, addressed in the year 418 to the Prefect of Gaul, the sole object of which was to endeavour to establish a sort of representative government in the south of Gaul, and by its assistance to still maintain the integrity of the Empire:—

> 'Rescript of the Emperors Honorius and Theodosius the younger, addressed in the year 418 to the Prefect of the Gauls sitting in the town of Arles.
>
> 'Honorius and Theodosius, Augusti, to Agricola, Prefect of the Gauls.
>
> 'In consequence of the very satisfactory exposition that your Magnificence has made to us, among other information greatly to the advantage of the republic, we decree, with the purpose of giving them the force of law in perpetuity, the following dispositions, to which the

inhabitants of our seven provinces [Footnote 4] will pay due obedience, they being such as they themselves might have wished and demanded.

[Footnote 4: The Viennoise, the first Aquitaine, the second Aquitaine, the Novempopulanie, the first Narbonnaise, the second Narbonnaise, and the province of the Maritime Alps.]

Inasmuch as persons in office, or special deputies, frequently resort to your Magnificence on affairs either of public or private utility, not only from each of the provinces, but also from every town, either to render accounts, or to treat of matters having reference to the interest of the proprietors, we have considered that it might be turned to good account and great advantage if, at a certain epoch in every year, dating from the present, there should be an assembly of the inhabitants of the seven provinces held in the chief city—that is to say, in the town of Arles. By such an institution, we have equally in view the providing for individual as well as general interests. In the first place, by the most notable inhabitants meeting together in presence of the prefect, if the public order should not induce his absence, the best possible information will be obtained upon every subject under deliberation. Nothing that is discussed and decided, after mature deliberation, will remain unknown to any of the provinces, and those persons who have taken no part in the assembly will be equally bound to follow the same rules of justice and equity. Furthermore, by ordaining that an assembly be held every year in the city of Constantine, [Footnote 5] we believe we shall promote not only the public good, but also social relations. The city is so advantageously situated, strangers frequent it in such numbers, and it enjoys so extended a commerce, that everything that grows, or is manufactured elsewhere, is brought thither.

[Footnote 5: Constantine the Great had a singular affection for the city of Arles. It was he who established in it the seat of the Gaulish prefecture. He also wished that it should bear his name, but usage was more powerful than his inclination.]

All the famous productions of the rich East, spicy Arabia, mild Assyria, fertile Africa, beauteous Spain, and valorous Gaul, abound in that place with such profusion, that all things admired for their magnificence in the various parts of the world seem the products of its soil. Besides, the junction of the Rhone with the Tuscan Sea draws near, and renders almost neighbours, the countries which the first traverses, and which the second bathes with its sinuosities. Thus, since the whole earth places at the disposal of this city all its most estimable possessions, since the individual productions of all countries are there transported by land, by sea, by the course of rivers, by means of sails, oars, and wagons, will not our Gaul perceive the benefit of the order that we give to convoke a public assembly in that city, where all the enjoyments of life, and all the facilities for commerce, are found concentrated by, as it were, the especial gift of God?

'The illustrious prefect, Petronius [Footnote 6] with a praiseworthy and most reasonable purpose, issued orders at a previous date that this custom should be observed; but as its fulfilment was interrupted by the confusion of the times, and the reign of usurpers, we have resolved to restore it to vigour by our authoritative prudence. Therefore, your Magnificence Agricola, our dear and well-beloved cousin, conforming yourself to our present ordinance, and the custom established by your predecessors, will cause the following dispositions to be observed in the provinces:

[Footnote 6: Petronius was prefect of the Gauls between the years 402 and 408.]

'Let intimation be given to all persons honoured with public functions, or proprietors of domains, and all the judges of the provinces, that they must assemble in council every year in the city of Arles, in the interval elapsing between the ides of August and those of September, the actual days of meeting and of sitting being fixed at pleasure.

'Novempopulanie and the second Aquitaine, as the most distant provinces, may, if their judges are retained by indispensable duties, send deputies in their place, according to custom.

'Those who shall fail to appear at the prescribed place and time shall pay a fine, rated to the judges at five pounds of gold, and to the members of the ***curiæ*** [Footnote 7] and the other dignitaries, three pounds of gold.

[Footnote 7: The municipal bodies of the Roman towns were called ***curiæ***, and the members of those bodies, who were very numerous, ***curiales***.]

'We design by this measure to confer great advantages and an important boon on the inhabitants of our provinces. We are likewise assured of adding to the embellishment of the city of Arles, to the fidelity of which we owe much, according to our brother and patrician. [Footnote 8]

[Footnote 8: Constantine, the second husband of Placidea, whom Honorius had taken for a colleague in 421.]

'Given on the 15th of the calends of May, and received at Arles the 10th of the calends of June.'

The provinces and towns refused the boon; no deputies were named, no one would go to Arles. Centralisation and unity were contrary to the primitive nature of that society; the spirit of locality, of municipality, was displayed in full force, and the impossibility of reconstituting a general society or country was clearly evidenced. The towns shut themselves up within their walls, and looked not beyond their own affairs; and the Empire fell because no one would be of the Empire, because the citizens would no longer concern themselves with anything but their own city. Thus, at the fall of the Roman Empire, we find again the same fact that was observable at its commencement—the predominance of the municipal form and spirit. The Roman world returned to its first condition: towns had formed it; it was dissolved, but the towns remained.

It is the municipal system that the ancient Roman civilisation bequeathed to modern Europe; in a very irregular and weakened form, and doubtless very inferior to what it had been in the early times, but still the only real constituted system which had alone survived all the elements of the Roman world.

When I say ***alone***, I am wrong. Another fact, another idea, equally survived—namely, the idea of the Empire, the name of the emperor, the maxim of imperial majesty, and of an absolute, sacred power, attached to that name. These are the elements that Roman civilisation transmitted to the European civilisation; on one hand, the municipal system, its customs, rules, and precedents, containing the germ of liberty; on the other, a uniform and universal civil legislation, coupled with the idea of the absolute power and the sacred majesty of the imperial name, containing the principle of order and subjection.

Influence Of The Church.

But at the same time a very different society, founded upon totally distinct principles, animated by other sentiments, and one destined to infuse into the modern European civilisation elements of quite a different nature, had arisen in the bosom of the Roman society—namely, the ***Christian church***. I speak peculiarly of the Christian church, and not of Christianity. At the end of the fourth, and commencement of the fifth century, Christianity had ceased to be simply an individual

creed; it had become an institution, and had taken a constituted form; it had its own government, a body of clergy, a hierarchy arranged for the different clerical functions, revenues, means for independent action, and rallying-points suitable to a great society, provincial, national, and oecumenical councils, and the custom of deliberating in common upon the affairs of the society. In a word, Christianity at this epoch was not merely a religion, it was a church.

If it had not been a church, it is impossible to say what might have happened to it amid the fall of the Roman Empire. I confine myself to purely human considerations; I put aside every element foreign to the natural consequences deducible from natural facts; and I believe that if Christianity had been, as in the early times, only an individual belief, sentiment, or conviction, it would have sunk under the ruins of the Empire, and the invasions of the barbarians. It succumbed at a later date in Asia and in the north of Africa, under an invasion of the same nature, an invasion of Moslem barbarians, even when it was in a state of institution, when it was an established church. Much more might the same result have occurred at the fall of the Roman Empire. There were at that time none of the means in existence by which at the present day moral influences are established or offer resistance independently of institutions, none of the means by which a mere truth or idea acquires an empire over the minds of men, governs actions, and determines events. Nothing existed in the fourth century to give to personal ideas and sentiments such a sway. It is clear that a society powerfully organised and vigorously governed was needed to struggle against so destructive a crisis, and to arise victorious from so fearful a conflict. It is not therefore too much to affirm that, at the end of the fourth, and beginning of the fifth century, it was the Christian church which saved Christianity; it was the church, with its institutions, its magistrates, its temporal power, which strove triumphantly against the internal dissolution which convulsed the Empire, and against barbarity which subdued the barbarians themselves, and became the link, the medium, the principle of civilisation, as between the Roman and barbarian worlds. Hence it is the state of the church rather than of Christianity, properly so called, in the fifth century, which ought to be investigated, in order to discover in what Christianity has from that period aided modern civilisation, and what elements it has introduced. An inquiry necessarily arises, What was the Christian church at that epoch?

When we consider, under a merely human aspect, the different revolutions which have been accomplished in the development of Christianity, from its origin to the fifth century, taking it only as a society, and not as a religious creed, we find that it has passed through three stages essentially distinct.

In the earliest period, the Christian society presents itself as a simple association arising from a common creed, from common sentiments; the first Christians congregated in order to enjoy amongst themselves an interchange of the religious emotions and convictions common to all their breasts. There was no settled system of doctrines, of rules, or of discipline, or no body of persons invested with authority.

There is no doubt that in every society that exists, however newly-born or feebly-constituted it may be, a moral power is perceptible, animating and directing it. So in the different Christian congregations there were men who preached, taught, and morally governed the rest, but no superior, or no discipline, was regularly instituted; the primitive state of the Christian society was simply an association of persons drawn together by an identity of creed and sentiment.

In proportion as it progressed (and very speedily, for the marks are traceable in the earliest records), a system of doctrines, of rules, of discipline, and of functionaries or magistrates, was brought out. Of the magistrates some were called ***presbuteroi***, or ***ancients***, who became the priests; others ***episkopoi***, or inspectors, or watchers, who became bishops; and others ***diakonoi***, or deacons, charged with the care of the poor and the distribution of alms.

It is almost impossible to determine the precise functions of these different magistrates; the line of demarcation was probably very vague and fluctuating, but at all events the institutions had a

commencement. This second epoch, however, had a predominant feature, which consisted in the control, the preponderance belonging to the body of the faithful. It was they who decided both as to the choice of dignitaries or magistrates, and as to the adoption as well of systems of discipline as of doctrine. The Christian people were not as yet separated from the government of the church. They did not exist apart from or independently of each other, and the Christian people continued to exercise the principal influence in the society.

In the third era everything was changed. A clergy was formed distinct from the people, a body of priests having riches, jurisdiction, a constitution of their own, in a word, a complete government, being in itself a regular society, furnished with all the means of existence independently of the society for whose behoof it was intended, and over which it extended its influence. This was the state in which the Christian church appeared at the commencement of the fifth century, and in the third stage of its constitution. The government was not completely taken out of the hands of the people, or separated from them; a system prevailed which is without any parallel, especially in religious affairs; but in the relations between the clergy and the flocks of the faithful, the clergy ruled almost without control.

The Christian clergy had, besides, another means of influence of a different character. The bishops and clerks became the chief municipal magistrates. We have seen that the municipal system was, properly speaking, all that remained of the Roman Empire. From the annoyances of despotism, and the ruin of the towns, it came to pass that the ***curiales***, or members of the municipal bodies, fell into despair and apathy. The bishops and the body of priests, on the contrary, being full of life and zeal, naturally offered themselves to guard and direct affairs. It would be wrong to reproach them with officiousness, or to tax them with usurpation; they merely obeyed the natural impulse of events. The clergy alone were morally strong and animated, and it became powerful; the result is a law of the universe.

All the legislation of the emperors at that epoch bears marks of this revolution. In the codes both of Theodosius and Justinian we find a great number of regulations which remit municipal affairs to the clergy and the bishops. I will quote some of them.

> 'Cod. Just. 1. i. tit. iv. ***de episcopali audientia***, § 26.—With regard to the annual affairs of the cities (whether they refer to the ordinary city revenues, resulting either from funds arising from the city property, or from individual gifts or legacies, or from any other source, whether deliberation is required touching the public works, or magazines of provisions, or aqueducts, or the maintenance of baths or of harbours, or the construction of walls or towers, or the repairing of bridges and roads, or lawsuits in which the city may be engaged, on account of public or private interests), we ordain as follows:—The very pious bishop, and three men of good fame amongst the chief men of the city, shall assemble together; they shall examine every year the works that have been performed, and they shall take care that those who conduct them, or have conducted them, do measure them with precision, give in accounts of them, and make it clear that they have fulfilled their engagements in the administration, whether it be of the public monuments, or of the sums appropriated to provisions and baths, or of what is expended for the repair of roads, aqueducts, or any other work.
>
> '***Ibid***. § 30.—With regard to the guardianship of young people, of the first or second age, and of all those to whom the law assigns curators, if their fortune does not exceed 500 ***aurei***, we ordain that the nomination of the president of the province shall not be waited for, as it might give rise to heavy charges, especially if the said president did not reside in the city where the guardianship is required to be provided. The nomination of the curators or tutors shall therefore be made by the magistrate of the city, in concert with the most pious bishop, and other persons invested with public functions, if the city possess several.
>
> '***Ibid***. 1. i. tit. lv. ***de defensoribus***, § 8.—We will that the defenders of the cities, being well instructed in the holy mysteries of the orthodox faith, be chosen and instituted by the

> venerable bishops, the clerks, the notables, the proprietors, and the curiales. As to their installation, it shall be referred to the glorious power of the Prefect of the Pretorium, in order that their authority may gather more solidity and vigour from the admissory letters of his Magnificence.'

I might cite a great number of other laws illustrative of the fact everywhere displayed, that between the Roman municipal system and the municipal system of the middle ages an ecclesiastical municipal system interposed; that the preponderance of the clergy in city affairs succeeded that of the old municipal magistrates, and preceded the organisation of the modern corporations.

Thus, by its own constitution, by its action on the Christian population, and also by the part it bore in civil affairs, the Christian church exercised prodigious means of influence. From that epoch, therefore, it operated powerfully on the character and development of modern civilisation. I will endeavour to sum up the elements it has infused into it.

In the first place, an incalculable benefit resulted from the existence of a moral influence and force, of a force which simply rested on moral convictions, persuasions, and opinions, in the midst of that deluge of physical force which poured upon society at that epoch. If the Christian church had not been established, the whole world had been overborne by pure physical force. It alone exercised a moral power. It did more: it sustained and spread the idea of a rule or law which was superior to all human laws; it maintained, for the safety of humanity, that fundamental doctrine that there is above all human laws a law, which, according to the spirit of times and manners, is sometimes called reason, and sometimes Divine will, but which, at all periods, and in all places, is the same law under different designations.

The church, then, originated a great fact—namely, the separation of the spiritual from the temporal power. This separation is the source of liberty of conscience; and it rests upon no other principle than that which serves as the base of the most unrestricted and extended liberty of conscience. The separation between the temporal and spiritual powers is founded upon the principle that physical force has no right or influence over the minds of men, or over conviction and truth. It results from the distinction established between the world of thought and that of action, between circumstances of an internal and those of an external nature. So that this maxim of liberty of conscience—for which Europe has struggled and suffered so much, and which has prevailed only so lately, often against the exertions of the clergy—was laid down under the name of a separation between temporal and spiritual power in the earliest stages of European civilisation; and its introduction and maintenance was owing to the Christian church being compelled, by the necessity of its situation, to defend itself against the barbarism of the times.

The Christian church, therefore, shed upon the European world in the fifth century three essential blessings—the recognition of a moral influence, the upholding a divine law, and the disjunction of temporal and spiritual power.

But even at that period all its influence was not equally salutary. So early as the fifth century, some evil principles made their appearance in the church, which have played an important part in the development of our civilisation. Thus there arose within it at that era the doctrine of the separation of the governing and the governed, the attempt to establish the irresponsibility of rulers to subjects, to impose laws, to control opinion, and to dispose of men, without the consent of the governed, or regard being paid to their reason and inclination. It likewise strove to infuse into society the theocratic principle, to seize upon temporal power, and to exercise exclusive domination. And when it failed in fully accomplishing this design, it allied itself with temporal princes, and supported their absolute power at the expense of the liberty of the people, in order that it might obtain a share for itself.

Such were the principal elements of civilisation that Europe drew from the church and the Empire

in the fifth century. It was in this state that the barbarians found the Roman world when they came to take possession of it. In order to comprehend all the elements which were included and mingled in the cradle of our civilisation, there remains nothing but the barbarians to contemplate.

It is not with the history of the barbarians that we have to concern ourselves, for relation is not our province. We are aware that, at the epoch in question, the conquerors of the Empire were almost all of the same race, all Germans, except some Slavonic tribes, as the Alani, for example. We are likewise aware that they were all pretty nearly in the same state of civilisation. Some difference might exist amongst them, according to the greater or less degree of contact into which they had respectively come with the Roman provincials. Thus there is no doubt that the Goths were more advanced and milder in their manners than the Franks. But considering things in a general point of view, and with reference to their results upon ourselves, this early diversity amongst the barbaric tribes in civilisation is of no importance.

It is the general state of society amongst the barbarians that it behoves us to ascertain; and this is a subject which is involved in considerable difficulty. We can understand with comparative ease the Roman municipal system and the Christian church, because their influence is perpetuated even to our own days, and we discover traces of them in a multitude of actual institutions and circumstances, affording us a thousand means of identifying and explaining them. But the manners and the social state of the barbarians have completely perished; we are reduced to the necessity of evoking them either from the most ancient historical monuments, or by an effort of the imagination.

There is a sentiment, a fact, which we must impress upon our minds, in order to have a true idea of what a barbarian was, and that is the feeling of individual independence, the joy he experienced in casting himself, in the fulness of his strength and freedom, into the midst of worldly vicissitudes—the pleasure to him of activity without labour, the charm of an adventurous career, full of uncertainty, inequality of fortune, and danger. This was the predominant sentiment of the barbarian state, the moral craving which urged these human masses to movement. At present, in a society so regular as that into which we are wedged, it is difficult to imagine the extent of dominion which this sentiment exercised over the barbarians of the fourth and fifth centuries. There is only one work which in my opinion presents this character of barbarism in its full strength—namely, 'The History of the Conquest of England by the Normans,' by M. Thierry; it is the only book in which the motives, the longings, and the impulses, which are the springs of actions in men when in a social state bordering upon the barbaric, are perceived and brought out with true Homeric vividness. Nowhere do we perceive so well what a barbarian is, or in what his life consists. Something also of the same is found, though, according to my ideas, in a far inferior degree, and in a much less simple and truthful manner, in Mr. Cooper's romances of the North American savages. The existence of the American savages, the ties and the sentiments which they bear with them in the midst of the woods, recall to a certain extent the manners of the ancient Germans. Of course these pictures are somewhat idealised and poetical, the dark side of barbaric life and manners being studiously glossed over. I speak not only of the ills provoked by these manners in the social state, but also of the inward and individual state of the barbarian himself. In this furious craving for personal independence there was far more grossness and animalism than we would conclude from the work of M. Thierry; there was a degree of brutality, frenzy, and sullen apathy, which is not always faithfully given in his account. Nevertheless, when we regard things fundamentally, we are convinced that, in spite of this alliance of brutality, materialism, and boorish selfishness, the desire for individual independence is a noble moral sentiment, which derives its strength from the moral nature of man; it consists in the gratification of feeling as a man, in the consciousness of personality and of human free-will in its fullest development.

The German barbarians introduced this feeling into the European civilisation; it was unknown to the Roman world, to the Christian church, and to almost all the ancient civilisations. Liberty in those ancient civilisations meant political, municipal liberty. Men were not engaged in a strife for

personal liberty, but for their liberty as citizens; they belonged to an association, to it they were devotedly attached, and for it they were prepared to sacrifice themselves. It was the same in the Christian church: there prevailed within it a sentiment of strong regard for the Christian corporation, of devotion to its laws, and an ardent desire to extend its empire; or rather the religious sentiment caused a reaction in the minds of men, which was displayed in an inward struggle to subdue individual liberty, and to give blind submission to what faith decreed. But the feeling of personal independence, the taste for liberty making itself apparent at all moments without other design sometimes than that of proving itself—this was a sentiment unknown to the Roman society and to the Christian church. It was imported and fixed by the barbarians at the birth of modern civilisation, and it has performed too important a part, and produced too many happy results in connection with it, to be omitted as one of its fundamental elements.

There is a second fact, a second element in civilisation, that we likewise draw exclusively from the barbarians. It is the military chieftainship, the tie that was formed between individuals as warriors, and which, without destroying the liberty of each, without destroying, except to a certain extent, the equality which almost completely existed amongst them, introduced a graduated subordination, and gave a beginning to that aristocratic organisation which at a later date expanded into the feudal system. The groundwork of this relation was the attachment of man to man, the fidelity of one individual to another, without any outward compulsion, and without any obligation founded on the general principles of society. In the ancient republics, no man was of his own accord specially attached to any other man; all were bound to their city. With the barbarians the social bond was formed amongst individuals, in the first place by the relation of the chief to his companion, when they lived in a banded state traversing the face of Europe, and later by the relation of suzerain and vassal. This second principle, which has also had an important effect on modern civilisation, this devotedness of man to man, comes to us from the barbarians, and from their manners it has passed into ours.

Was I wrong, then, in stating at the commencement that modern civilisation was at its very origin as varied, agitated, and confused as I endeavoured to represent it in the general picture which I gave of it? Do we not discover at the dissolution of the Roman Empire almost all the elements which meet in the progressive development of our civilisation? Three perfectly different societies are found at that period; the municipal society, the last remnant of the Roman Empire, the Christian, and the barbarian society. We find these societies very differently organised, based upon perfectly distinct principles, and inspiring men with opposite sentiments: we perceive the longing for the most absolute independence by the side of the most complete subservience; military chieftainship ranged with ecclesiastical domination; the spiritual and temporal powers in activity on every side; the canons of the church, the studied legislation of the Romans, and the almost unwritten customs of the barbarians—everywhere a mixture, or rather a co-existence, of races, tongues, social situations, manners, ideas, and feelings, all the most contrary to each other. This I adduce as a satisfactory proof of the accuracy of the general character under which I have laboured to present our civilisation.

This confusion, diversity, and strife, have doubtless cost us dear; they have retarded the progress of Europe; to them are owing the storms and agonies to which she has been a prey. Yet I am not of opinion that we should regret them. To nations, as well as to individuals, the opportunity of the most varied and complete development, of pushing onwards in all directions, and to an almost indefinite extent, compensates by itself alone for all the sacrifices it may have cost to obtain the faculty of enjoying it. Upon a comprehensive view, this agitation, violence, and laboriousness, have availed more than the simplicity with which other civilisations are marked, and the human race has thereby gained more than it has suffered.

We have now traced in its general features the state in which the fall of the Roman Empire left the world, and the different elements which were in turmoil and commixture, germinating European civilisation. Henceforth we shall see them advancing and acting. In the next lecture I shall endeavour to show what they became, and what they effected, in the epoch that we are accustomed to call the times of barbarism—that is to say, the period during which the chaos of the invasion lasted.

Lecture III.
First Ages Of Civilisation.

I have brought forward the fundamental elements of European civilisation by tracing them in its very cradle, at the moment that the Roman Empire fell. I have endeavoured to point out how great was their diversity, how constant their strife, and that none of them succeeded in gaining a mastery over our society, or at least in ruling it so effectually as to subject or expel the others. We have seen that in this consists the distinctive character of the European civilisation. We now come to its history, at its first start, in the ages that it is usual to designate 'the barbarous.' At the first glance that we cast upon this epoch, it is impossible not to be struck with a fact which seems in flat contradiction to what I have just advanced. In investigating the opinions that have been formed upon the antiquities of Europe, it is surprising to observe that the different elements of our civilisation—the monarchical, theocratical, aristocratical, and democratical principles—all lay claim to the original proprietorship of the European society, and all pretend that they have lost exclusive empire by the usurpations of contrary principles. If we turn to all that has been written, and listen to all that has been said, on this subject, we shall find that all the systems by means of which our groundworks are sought to be displayed or explained, maintain the exclusive predominance of one or other of the elements of European civilisation.

Thus there is a school of feudal advocates, the most celebrated of whom is M. de Boulainvilliers, who asserts that after the fall of the Roman Empire, the conquering nation, subsequently formed into a nobility, possessed all power and rights, that society was its lordship, that kings and people have despoiled it, and that, in fact, the aristocratic organisation was the primitive and veritable constitution of Europe.

Alongside of this school we find that of the monarchists, amongst whom is the Abbé Dubos, who maintain, on the contrary, that the European society belonged to royalty. They say that the German kings inherited all the rights of the Roman emperors, that the ancient populations—the Gauls amongst others—appealed to them, that they alone ruled legitimately, and that all the acquisitions of aristocracy are mere encroachments upon monarchy.

A third school presents itself, that of liberals, republicans, democrats, as you may choose to style them. If we follow the Abbé de Mably, we shall conclude that the government of society was handed over, from the dawning of the fifth century, to a system of free institutions, to assemblies of free men, to the people properly so called; that nobles and kings have enriched themselves with the spoils of primitive liberty, which shrunk under their attacks, but nevertheless reigned

before them.

And above all these monarchical, aristocratical, and popular pretensions, rises the theocratic claim of the church, which says that, by virtue of her very mission and divine title, society belonged to her, that she alone had any right to govern it, and that she alone was the legitimate queen of the European world, reclaimed by her labours to civilisation and truth.

Thus we are placed in a peculiar position. We imagined that we had demonstrated that none of the elements of European civilisation has had exclusive sway in the course of its history, but that they have existed in a constant state of vicinage, of amalgamation, of strife, and of activity; and at our very first step, we find this directly contrary opinion maintained, that at its birth, in the bosom of barbaric Europe, some one or other of these elements had sole possession of society. And it is not in a single country, but in all the countries of Europe, that the advocates for the different principles of our civilisation have put forward their irreconcilable pretensions, under forms and at periods somewhat variable. The historical schools that we have just characterised are not confined to one country, but are met throughout Europe.

This fact is important, not in itself, but because it brings to light other facts which hold a material place in our history. Two important particulars are started by this simultaneous advocacy of the most incongruous pretensions to the exclusive possession of power in the first ages of modern Europe. The first is the principle or idea of political legitimacy, which has enacted a prominent part in the drama of European civilisation: the second is the actual and veritable character of the state of barbarian Europe of that epoch, with which we have specially to concern ourselves at this period of our inquiry.

I shall proceed to draw these two particulars from obscurity, and to sever them in succession from the contest of allegations which I have previously mentioned.

What do the different elements of European civilisation—the theocratical, monarchical, aristocratical, and popular—claim when they assert themselves the first possessors of society in Europe? Is it not that each proclaims itself to be solely legitimate? Political legitimacy is evidently a right based on antiquity and duration. Priority of time is invoked as the source of right, as the proof of the legitimacy of power. And here I beg attention to the fact, that this pretension is not confined to one particular system or element of our civilisation, but that it spreads over all. We are accustomed in modern times to consider the idea of legitimacy as involved in only one system—the monarchical—which is a great mistake, for it is at issue in all the others. We have already seen that all the elements of our civilisation have endeavoured to monopolise it; and if we cast a look forward into the history of Europe, we shall see the most varied social forms and governments equally in possession of this character of legitimacy. The Italian and Swiss aristocracies and democracies, the republic of San Marino, like the greatest monarchies of Europe, have styled themselves, and have been esteemed, legitimate; they, exactly like the others, have founded their claim to legitimacy upon the antiquity of their institutions, upon the historical priority, and upon the prolonged duration, of their system of government.

If we go beyond Europe, and carry our observation to other times and countries, we encounter on all sides this idea of political legitimacy, and find it clinging to some portion of the ruling government, to some of its institutions, forms, or maxims. There is no country or time in which a certain portion of the social system, of the public powers, has not bestowed upon itself, and had recognised as inherent in it, this character of legitimacy derived from antiquity and stability.

And what is this principle! What are its elements? How came its introduction into European civilisation?

All systems of power are, at their origin, mixed up with force. I do not mean to say that they are all based upon force alone, or that if they had not originally had other titles than force, they would

have been established. They most certainly needed others; powers are established in accordance with certain social wants, and with reference to the state of society, to manners and opinions. But we cannot avoid perceiving that force has sullied the foundation of all the systems of power in the world, whatever may have been their nature and form.

But every one repudiates this origin, all the systems of every description deny it, and there is none that will consent to spring from force. An invincible instinct apprises governments that force does not confer right, and that if their claims rested upon that alone, right could never be deduced. For this reason, when we recur to ancient times, and unmask the different systems and powers abandoned to violence, all hasten to exclaim, 'I was earlier, I subsisted previously, and by virtue of other titles; society belonged to me before this state of violence and strife in which you discover me; I was legitimate; my just prerogatives were contested and wrenched from me.'

This single fact demonstrates that the maxim of force is not the groundwork of political legitimacy, and that it reposes upon some other base. What is the effect of this formal repudiation of force by all the systems? Their acknowledgment that there is another legitimacy, the veritable foundation for all others, the legitimacy of reason, justice, and right. Such is the origin to which they are all eager to cling. And because they discard force as their initiatory element, they are driven to assert themselves robed with a different title, quoting their antiquity. The main characteristic, then, of political legitimacy, is to deny force as the source of power, and to allege it as cohesive with a moral idea and force, with the idea, in fact, of right, justice, and reason. This is the fundamental element which constitutes the principle of political legitimacy. It has taken its rise therefrom, receiving a helping hand from time and stability. We will trace the process.

Force having presided at the dawn of all governments and societies, time progresses and effects changes in the operations of force; it administers correctives, from the very circumstance that a society endures and is composed of men. Man bears within him a certain number of notions of order, justice, and reason, and a certain craving to give them sway, and to introduce them into the facts amidst which he lives. To attain this object, he labours unremittingly; and if the social state in which he is located continues, his labours are not fruitless. Man brings reason and right to bear in the sphere he moves in.

Independently of the exertions of man, there is a law of Providence too palpable to be denied, a law analogous to that which rules the material world, by which a certain measure of order, reason, and justice, is indispensable to the continuance of a society. Indeed, from the mere fact of durability, we may be assured that any particular society is not utterly absurd, insensate, or iniquitous, and that it is not entirely bare of that element of reason, truth, and justice, which can alone give life to any society. If, furthermore, the society is developed, if it becomes more vigorous and powerful, if its terms are from time to time accepted by an increasing number of people, then are we sure that by the action of time, more reason, justice, and right have been infused into it; for facts imperceptibly arrange themselves according to true legitimacy.

Thus has the idea of political legitimacy spread over the world, and from the world penetrated men's minds. For foundation or first origin, it has, in a certain degree, at least, moral legitimacy, justice, reason, and truth; and afterwards the sanction of time, which gives ground for belief that reason has become part and parcel of existing facts, that, in reality, true undeniable legitimacy has been introduced into external matters. In the epoch we are about to open upon, we shall find force and falsehood ingredients in the first composition of royalty, aristocracy, democracy, and even of the church; and then force and falsehood will be perceived undergoing gradual reformation under the plastic hand of time, and right and truth taking their places in civilisation. It is this introduction of right and truth into the social state that has developed by degrees the principle of political legitimacy, and it is thus that it has become established in modern civilisation.

When attempts have been made at various times to raise this idea as the banner of absolute power, its real origin has been grossly mistaken or perverted. So utterly apart is it from

identification with absolute power, that right and justice are the titles by which it has been diffused, and has taken root in the world. It is not in any degree exclusive, it appertains to none in particular, but is planted wherever right finds development. Political legitimacy, I assert again, is as much bound up with liberty as with power, and with individual rights equally with the forms, whatever they may be, by which public functions are exercised. We will meet it in our progress, in the most discordant systems—equally in the feudal system, in the municipalities of Flanders and Germany, in the republics of Italy, as in monarchy. It is a character partaken of by all the different elements of modern civilisation, and it behoves us fully to comprehend it in investigating the history of that civilisation.

The second fact which is brought to light by the simultaneous pretensions of which I have so often spoken, is the real character of the epoch styled barbarous. As I have said, all the elements of European civilisation assert that they possessed Europe at that period; as a consequence, none of them predominated. When a social form domineers in the world, there is not so much difficulty in recognising it. When we come to the tenth century, we shall have no hesitation in recognising the preponderance of the feudal system; in the seventeenth, we shall have no doubt in affirming the prevalence of the monarchical principle; and if we regard the Flemish corporations or the Italian republics, we shall immediately declare the sway of the democratic principle. When a principle is really predominant in the world, there is no possibility of mistaking it.

The contest that has arisen among the various systems which are included in European civilisation, upon the question as to which ruled it at its origin, proves that they had all a co-existence therein, without any one so generally or assuredly prevailing as to impress upon society its form and name.

And herein lies the actual character of the barbarous epoch—a chaos of all the elements, an outburst of all the systems, a universal hubbub, in which the struggle was neither permanent nor systematic. By examining, in all its phases, the social state of that era, I might demonstrate the impossibility of discovering any fact or principle approaching to a general or established recognition. I will confine myself to two essential points—the state of individuals, and the state of institutions. They will suffice to depict the entire society.

We discern four classes of persons at this epoch: 1***st***, The free men—that is to say, those who depended upon no superior or patron, who held their possessions, and regulated their lives, in full liberty, without any tie binding them to another man; 2***d***, The ***leudes, fideles, anstrustions***, &c. bound by a relation—first that of companion to a chief, then of vassal to a suzerain—to another man towards whom they had contracted the obligation of a service, in respect of a grant of lands or other gifts; 3***d***, The freedmen; 4***th***, The slaves.

But these different classes were not immovably fixed; men, when once included within their limits, did not remain there for ever; the relations of the various classes were neither definite nor permanent. Among the free men were some ever and anon leaving their position to assume service under a particular person, receiving from him some gift, and passing into the class of leudes; whilst others fell into that of slaves. On the other hand, some leudes struggled to get rid of their patron, to re-establish their independence, and return into the free class. On all sides was a continual movement and transition from one class to another, a general uncertainty and instability in the mutual bearings of the classes: no man adhered to his position, and no position remained unchanged.

Tenures of land were in the same state; they were distinguished as allodial, or completely free, and beneficiary, or subject to certain obligations towards a superior. It is well known that attempts have been made to establish, in this last class of tenures, a precise and determined system; it has been said that the grants were made for a certain number of years, then for life, and that finally they became hereditary. The attempts are vain; all these varieties of tenure existed

simultaneously; the self-same epoch displays benefices for years, for life, to heirs; and even the same lands passed in a few years through those different states. Nothing was more stable or generalised in the condition of landed property than in that of individuals. The difficult transition is everywhere perceptible from the wandering to the sedentary life, from relations merely personal to those in combination with bodies of men and the rights of property, which are real, substantial, obligatory relations. In this state of transition all was confused, partial, and disordered.

The same instability and turmoil marked the institutions. Three systems were in juxtaposition—royalty, aristocratical institutions, or superiorities over men and lands in gradation, and free institutions, or assemblies of free men deliberating in common. No one of these systems was in possession of society, no one had a preference. Free institutions existed, but the men who should have taken part in the assemblies did not attend. The signorial jurisdiction, likewise, was not exercised. Royalty, which is the most simple institution, and the easiest to determine, had no fixed character: election and hereditary right were mingled together: sometimes the son succeeded his father; sometimes a selection was made out of the royal family; and sometimes a pure and simple election took place of a distant relative, or perhaps of a stranger. We find nothing settled in any system; all the institutions, like the social conditions, existed together, were confounded, and continually changing.

Countries were in the same unsettled state. They were created and suppressed, united and divided. Frontiers, governments, nations, ceased to be distinguishable. A universal confusion in positions, principles, facts, races, and tongues, was the condition of barbarian Europe.

Within what limits is this strange epoch contained? Its commencement is well marked—it occurred at the fall of the Roman Empire. But when did it end? In order to answer this question, we must inquire to what this state of society was owing, what were the causes of the barbarism.

I think two main ones are discoverable. The one physical, arising outwardly from the course of events; and the other moral, working inwardly from the mental state of man himself.

The physical cause was the prolongation of the invasion. We are not to conclude that the invasion of the barbarians was arrested at the fifth century, nor that because the Roman Empire had fallen, and barbaric kingdoms were founded on its ruins, the populations brought their movements to a close. On the contrary, they continued long after the fall of the Empire, of which we have all-sufficient proof.

We see the Frank kings, even of the first race, continually compelled to make war beyond the Rhine; we see Clotaire, Dagobert, incessantly engaged in expeditions into Germany, fighting against the Thuringians, the Danes, and the Saxons, who occupied the right bank of the Rhine. For what reason? Because those nations wished to cross the river, and gather their share of the spoils of the Empire. What caused, about the same period, those great invasions of Italy by the Franks established in Gaul, principally of the eastern or Austrasian Franks? Why did they precipitate themselves on Switzerland, pass the Alps, and enter Italy? Because they were pushed on the north-east by new populations; their expeditions were undertaken from necessity, and were not mere forays for pillage; their settlements were interfered with, and they went forth to seek others. Then a new German nation appeared upon the stage, and founded in Italy the kingdom of the Lombards. In Gaul, the first Frank dynasty was subverted: the Carlovingians succeeded the Merovingians. It is now acknowledged that this change of dynasty was in truth an accession of population which displaced the western for the eastern Franks. The change was effected, and the second race reigned. Charlemagne began against the Saxons what the Merovingians had directed against the Thuringians, and became involved in ceaseless wars with the nations beyond the Rhine. And these were urged onwards by the Obotrites, the Wiltzes, the Sorabes, the Bohemians, by the whole Slavonic race which pressed upon the Germanic, and from the sixth to the ninth century goaded it to advance towards the west. To the whole of the north-east, the invading movement continued and controlled events.

In the south a movement of the same nature occurred, occasioned by the Moslem Arabs. Whilst the Germanic and Slavonic populations crowded along the Rhine and the Danube, the Arabs began their career of conquest on all the coasts of the Mediterranean.

The invasion of the Arabs had a peculiar character. The spirit of conquest and that of proselytism were united; their invasion was made both to conquer territory and spread their faith. There was a great difference between this movement and that of the Germans. In the Christian world, the spiritual and temporal arms were disjoined. Zeal for the propagation of a faith was not felt by the same men who burned with the desire of conquest. The Germans on their conversion had preserved their manners, sentiments, and tastes; earthly interests and passions continued to sway them; and though they might be Christians, they were not missionaries. The Arabs, on the contrary, were conquerors and missionaries; with them the sword and the Word were wielded by the same hands. At a later date, this circumstance gave the unfortunate turn to the Mussulman civilisation; for it is from the unity of the temporal and spiritual powers, from the confused mixture of moral influence with material force, that the tyranny which seems inherent in that civilisation took its rise; and such is, as I believe, the principal cause of the stagnant state into which it has fallen. But this was far from appearing at the first outburst; on the contrary, a prodigious power was thereby imparted to the Arab invasion. Strengthened as it was by moral ideas and passions, it gained, upon the instant, a lustre and greatness which had been signally wanting to the German invasion; more energy and enthusiasm were displayed in it, and the minds of men were affected by it in a very different manner.

Such was the situation of Europe from the fifth to the ninth century; pressed on the south by the Mohammedans, on the north by the Germans and Slavi, the interior of the European region was inevitably kept in continual disorder by the reaction of this double invasion. Populations were incessantly displaced and hurled upon each other; no settlement could be established; the nomade life recommenced in every quarter. There was certainly some difference in this respect amongst the various countries; the turmoil was greater in Germany than in the rest of Europe, for it was the very furnace of agitation; and France was more convulsed than Italy. But nowhere could society get fixed or regulated; barbarism was prolonged on all sides, from the same cause which had given it a commencement.

So much for the material cause which sprang from the course of events. I now come to the moral cause, founded upon the internal state of mankind, which was not less powerful.

Whatever external events may be, it is, after all, man himself who makes his world; it is from the ideas and sentiments, the moral and intellectual dispositions of men, that the world is regulated in its progress; it is upon the inward state of men that the outward state of society depends.

What is needful to men in order to found a society at all durable and regular? It is evidently requisite that they have a certain number of ideas sufficiently expansive to suit that society, and to be applicable to its wants and relations. It is furthermore necessary that these ideas be common to the majority of the members of the society, and that they exercise some sway over their desires and actions.

It is clear that if men have no ideas extending beyond their own existence, if their intellectual horizon be limited to themselves, if they give unrestrained play to the fury of their passions and inclinations, if they have not amongst them a certain number of notions and sentiments held in common, around which they may be rallied, then it is clear, I repeat, that no society can possibly exist among them, and that each individual will be an element of disorder and dissolution in any society into which he enters.

Wherever individuality gains a nearly absolute sway, where man considers only himself, where his ideas stretch not beyond his own person, where he listens only to his own passions, society (meaning thereby a society calculated for some small degree of extension and permanence) is

almost an impossibility. Now this was the moral state of the conquerors of Europe in the epoch treated of. I observed, in the preceding lecture, that we are indebted to the Germans for the vigorous sentiment of individual liberty, of human individuality. But in a state of extreme coarseness and ignorance, this sentiment is pure selfishness in all its brutality and unsociability. It was at this point among the Germans from the fifth to the eighth century. They were concerned only for their own interests, with their own passions and inclinations, and how could they thus accommodate themselves to a state approaching the social? Attempts were made to induce them to enter into it; they even tried it of themselves. But from some act of recklessness, some burst of passion, or some deficiency in understanding, they broke immediately loose. Society was incessantly endeavouring to form itself, but as incessantly was it routed by the act of man, by the absence of those moral conditions which are essential to its existence.

Such were the two disposing causes of the barbaric state. So long as they lasted, barbarism continued. Let us inquire how, and when, they finally ceased.

Europe laboured to get out of this state. It is the nature of man to struggle to emerge from such a chaos, even though he has been plunged into it by his own fault. However brutal and ignorant, however much devoted to his own gratification and passions, there is within him a voice or instinct which repeats to him that he is made for something else, that he has another capacity and destiny. In the midst of his disorganisation, a taste for order and advancement pursues and torments him. Longings for justice, for foresight, for development, agitate his breast even under the yoke of the most boorish selfishness. He feels himself urged to reform the material world, society, and himself; and he labours for this object without much cognisance of the want that goads him. Thus the barbarians aspired at civilisation, although utterly incapable of it, I may say, indeed, utterly detesting it, when its restraints were felt.

There remained, likewise, some considerable remnants of the Roman civilisation. The name of the Empire, the remembrance of that great and glorious society, agitated the memories of men, especially of the town senators, the bishops, the priests, and of all those who had their origin in the Roman era.

Many of the barbarians themselves, or of their barbarian forefathers, had been witnesses of the grandeur of the Empire; they had served in its armies, or fought against it. The image and name of the Roman civilisation had an imposing effect upon them, and they experienced a desire to imitate it, to bring it back, or to preserve some portion of it. In this was an additional stimulus to drive them from the state of barbarism which I have described.

There was a third, which suggests itself to every mind—I mean the Christian church. The church was a society regularly constituted, having principles, rules, and discipline of its own, and actuated by an ardent zeal to extend its influence, and to vanquish its conquerors. Among the Christians of that epoch, in the ranks of the clergy, there were men who had pondered deeply upon all moral and political questions, who held fixed opinions and energetic sentiments upon all things, and strove strenuously to propagate them and render them paramount. No society ever made such efforts as did the Christian church, from the fifth to the tenth century, to extend its sphere, and smooth the external world into its own likeness. When we study its particular history, we shall perceive the full extent of its labours. It attacked barbarism, as it were, on all its sides, to civilise by subduing it.

Finally, there existed a fourth cause of civilisation, one which it is impossible accurately to weigh, but which is not the less real on that account—namely, the influence of great men. No one can say why a great man comes at a particular era, or what he infuses of his own into the development of the world; the secret remains with Providence, but the fact is certain. There are men whom the spectacle of anarchy or of social stagnation strikes and distresses, who are intellectually shocked thereat as with a fact which should not be, and who become possessed with an uncontrollable desire to change it, and to plant some rule, some uniformity, regularity, and

permanency in the world before them: a terrible, and often a tyrannical power, committing a thousand iniquities and errors, for human weakness accompanies it; yet a glorious and salutary power, for it gives to humanity a vigorous jerk, an admirable impulse.

These different causes and influences originated various attempts to emancipate European society from the clutch of barbarism, in the epoch stretching from the fifth to the ninth century.

The first of these attempts (although it may have had little effect, yet requires to be noticed, for it emanated from the barbarians themselves) was the digesting the barbarian laws. Between the sixth and eighth centuries, the laws of almost all the barbarous tribes were written. Formerly it was otherwise, these people having mere customs for governance before they established themselves on the ruins of the Roman Empire. There were the laws of the Burgundians, of the Salian and Ripuarian Franks, of the Visigoths, the Lombards, the Saxons, the Frisons, the Bavarians, the Allemanni, &c. Here was evidently a commencement of civilisation, an endeavour to transfer society to the empire of general and regular principles. It was impossible for much success to attend it, for it presented the laws of a society which no longer existed, the laws of the social state of the barbarians before their establishment on the Roman territory, before they had changed a wandering for a sedentary life, and the condition of nomad warriors for that of proprietors. Here and there are found some articles as to the lands which the barbarians had acquired, and as to their relations with the old inhabitants of the country, and even attempts are made to regulate some of the new circumstances with which they were mixed up; but the ground-work of the majority of these laws is the ancient life and state of things in Germany, which were utterly inapplicable to the new society, and have had but little influence in its development.

An attempt of another nature was commenced in Italy and the south of Gaul at the same period. The Roman society had not perished there so completely as in other quarters; in the cities there remained a somewhat greater degree of order and energy. Civilisation attempted to rear itself there again. For example, we find the municipal system recover breath, as it were, and exercise some influence upon the general course of events, in the kingdom of the Ostrogoths in Italy, under Theodoric, although both king and nation were barbarian. The Roman society had humanised the Goths, and to a certain extent assimilated them with itself. The same fact is perceptible in the south of Gaul. At the commencement of the sixth century, a Visigoth king of Toulouse, Alaric, caused the Roman laws to be collected, and published a code for his Roman subjects, under the name of the ***Brevarium Aniani***.

It was the church which endeavoured to give a new beginning to civilisation in Spain. Instead of the old German assemblies of warriors (the ***malla***), the council of Toledo held sway in Spain, and although influential laymen attended the council, the bishops governed it. In the laws of the Visigoths there is not a barbaric enactment; the compilation is evidently the work of the philosophers of the era, the clergy. They abound in general ideas and in theories which are completely foreign to barbarian manners. Thus it is known that the legislation of the barbarians was a personal legislation; that is to say, the same law applied only to men of the same race. The Roman law governed the Romans, the Franco law governed the Franks; each people had its own law, although they were united under the same government, and inhabited the same territory. This is the system which is called personal legislation, in opposition to the system of real legislation, founded upon territorial distinctions. Now the legislation of the Visigoths was not personal, but territorial. All the inhabitants of Spain, whether Romans or Visigoths, were subject to the same law. But there are still more evident traces of philosophy to be found. Amongst the barbarians, men were valued at a fixed rate, according to their situations; the barbarian, the Roman, the freeman, the vassal, &c. were not estimated at the same sum; their lives were made matter of tariff. The principle of men being of equal value in the eyes of the law, was established in the code of the Visigoths. With regard to the system of procedure, we find the oath of ***compurgatores*** and the judicial combat displaced for the proof by witnesses, and such a rational examination into facts as might be adopted in any civilised society. In a word, the whole Visigoth code bears a wise, systematic, and social character. We perceive in it the labours of that same

clergy which held command in the councils of Toledo, and operated so powerfully on the government of the country.

Therefore in Spain, up to the great invasion of the Arabs, it was the theocratic principle which laboured to raise up civilisation.

In France, the same endeavour was the work of a different influence; it originated with great men, especially with Charlemagne. If we examine his reign in its various phases, we shall find that the prevailing idea of his mind was the civilisation of his people. First, with regard to his wars. He was constantly in the field, ranging from the south to the north-east, from the Ebro to the Elbe or the Weser. These were not mere arbitrary expeditions, arising from an insatiable thirst for conquests. I do not assert that all he did may be systematically accounted for, or that his plans display a profound diplomatic or strategetic wit, but he obeyed the impulse of a great necessity resulting from his scheme to repress barbarism. During the whole period of his reign, he was employed in arresting the double invasion of the Mussulmans on the south, of the Germans and Slavi on the north, in prosecution of that object. This is the character of the military part of the reign of Charlemagne: as I have previously said, this was also the end and purpose of his expeditions against the Saxons.

Passing from his wars to his internal government, we find the same principle in activity, the attempt to introduce order and uniformity into the administration of all the countries which he possessed. I cannot call them a ***kingdom*** or a ***state***, for these expressions are of too regular a stamp, and raise ideas too little in accordance with the society over which Charlemagne presided. This much, however, is certain, that he, master of an immense territory, was indignant at beholding all things therein in a most dissevered, anarchical, and brutish condition, and devoted his energies to soften its hideousness. His first measure was to despatch his ***missi dominici*** into the different districts of his possessions, to inquire into facts, and either reform them, or report them to him. He afterwards held general assemblies with much more regularity than his predecessors, which he compelled almost all the influential men of his territories to attend. These were not free assemblies; nor were they summoned for what we would call deliberation. They were used by Charlemagne as a means of getting information as to facts, and of introducing some regularity and union among his disorganised subjects.

In whatever point of view the reign of Charlemagne is considered, the same character is found predominant, a contest against the barbaric state, the genius of civilisation at work. This is the spirit which is evinced in his eagerness to institute schools, in his taste for learned men, in his predilection for ecclesiastical influence, and in his adoption of everything which appeared to him capable of acting beneficially either on society as a whole, or on man as an individual.

An attempt of the same nature was made by King Alfred in England somewhat later.

Thus the different causes which I have particularised, as tending to put an end to barbarism, were in action, in some quarter or other of Europe, from the fifth to the ninth century.

Not one was successful. Charlemagne failed to give stability to his great empire, and the system of government which he wished to institute. In Spain, the church was not more happy in its endeavours to establish the theocratic principle. In Italy and the south of Gaul, although the Roman civilisation made various efforts to rise again, it was not until afterwards, towards the end of the tenth century, that it really assumed any vigour. Up till that period, all the endeavours to extinguish barbarism were fruitless: they proceeded on the idea that men were more advanced than the reality demonstrated: they all strove for a society more extended and regular than comported with the actual diffusion of coercive influences, and the state of men's minds. However, they were not completely thrown away. At the commencement of the tenth century, there was no longer any question about the great empire of Charlemagne, or the glorious councils of Toledo, but barbarism did not the less surely approach extinction. Two great results

were obtained:

1***st***, The invading movements were arrested both on the north and the south. After the dismemberment of the empire of Charlemagne, a strong barrier was opposed to the tribes still pushing to the west, by the nations established on the right bank of the Rhine. The Normans prove this fact incontestibly; for up to this era, excepting the tribes that had fallen on Britain, the action of maritime invasion had not been considerable. It was in the course of the ninth century that it became constant and general, and principally because invasions by land were rendered very difficult, since society had acquired more fixed and assured frontiers on that side. That portion of the roving population which could not be driven back, was yet constrained to turn away and pursue its adventurous career on the sea. Whatever evil the Norman invasions inflicted on the west, they were much less fatal than the inroads by land, and gave infinitely less general disturbance to the infant society.

In the south, the same consequence ensued. The Arabs took up quarters in Spain, and the struggle between them and the Christians continued, but it was no longer attended with the displacement of the population. The Saracenic bands still infested from time to time the coasts of the Mediterranean, but Islamism had evidently ceased its grand march.

2***d***, In the interior of the European territory, the wandering life came to a cessation; populations were settled, property was fixed, and the relations of men no longer varied from day to day at the impulse of force or chance. The internal and moral state of man himself began to change, his ideas and sentiments acquired some stability as well as his life; he became attached to the locality he inhabited, to the ties he had contracted, to those domains which he flattered himself with leaving to his children, to that abode which in time he was to designate his castle, and to that miserable assemblage of colonists and slaves which was one day to rise into a village. Small societies, petty states, were everywhere formed, hewn, so to express myself, according to the extent of ideas and knowledge possessed by men. Amongst these societies a bond of confederation, which did not destroy individual independence, was gradually introduced, according to a principle which lurked in the barbarian manners. On one hand, every considerable personage established himself in his domains with his family and retainers; on the other, a certain gradation of services and rights was instituted among these warlike proprietors scattered over the territory. What was the result?—the feudal system, which ultimately arose from the bosom of barbarism. Of the different elements of our civilisation, it was natural that the Germanic should first of all prevail, for it had the force, and it had conquered Europe; and the first social form and organisation were necessarily received from it.

The feudal system, its character, and the part which it has played in the history of European civilisation, will be the object of the next lecture. In the very heart of the victorious feudal regime, we shall, however, encounter at every step the other elements of our civilisation, royalty, the church, and corporations; and we shall have little difficulty in concluding that they were not destined to be crushed under that feudal form to which they assimilated themselves, whilst struggling against it, and waiting for the hour that victory might declare for them in their turn.

Lecture IV.
Influences Of The Feudal System.

We have now surveyed the state of Europe after the fall of the Roman Empire, in the first epoch of modern history—namely, the barbaric. We have seen that, at the end of that era, at the commencement of the tenth century, the first principle or system which was developed, and which took possession of European society, was the feudal system, the earliest offspring of barbarism. It is therefore the feudal system that we shall make the present object of our inquiry.

I need scarcely here repeat that it is not the history of events, properly so called, that I treat of. I am not called upon to detail the destinies of feudalism: it is the history of civilisation with which I concern myself, and that is the general, hidden fact, which I seek for under all the exterior facts which envelope it.

Thus events, social crises, and the various states through which society has passed, interest us only in their relations with the development of civilisation; we have to inquire how they opposed or aided it, what they gave to it, and what they abstained from giving. It is simply in this point of view that we take the feudal system into consideration.

On commencing this inquiry, we determined what civilisation was, we endeavoured to distinguish its elements, and we became aware that it involved, in one respect, the development of man himself, of the individual, of human nature; and in the other, that of his outward and visible condition, of society. Every time, therefore, that we open out an event, a system, a general order of things, we have this double question to ask: What has it effected for or against the development of humanity—what for or against the development of society?

In this investigation, it is impossible for us to avoid encountering in our progress very important questions in moral philosophy. When we would decide to what extent an event or system has contributed to the development of man and of society, it behoves us to ascertain what is the true development of society and of humanity, and whether certain developments are not deceitful and illegitimate, tending to pervert rather than to ameliorate, and leading to a retrograde instead of an advancing movement.

We shall not attempt to elude the task that is imposed upon us. Not only should we thereby emasculate and degrade our ideas, and the facts themselves, but the actual state of the world compels us frankly to adopt as law this unquestionable alliance between philosophy and history. This conjunction is precisely one of the features, if not the main and essential feature, of our age. We are called upon to study, and to give simultaneous weight to science and reality, to theory and practice, to right and fact. In previous times, these two powers have lived apart: the world was accustomed to behold scientific theory and practice take different routes, without acknowledging each other, or at least without forming a union. And when doctrines or general ideas operated upon events, and stirred up the world, they have succeeded in doing so only by the impulsion of fanaticism. The sway over human societies, and the direction of their affairs, have hitherto been divided between two sorts of influences: on the one hand, the believers, the men of general ideas and of principles, the fanatics; on the other, men strangers to all rational principle, making circumstances their only rule of conduct, practicians, libertines, as the seventeenth century called them. This state of things has now ceased; neither the fanatics nor the libertines can any longer wield predominance. In order to govern and have influence amongst men at present, it is necessary to ascertain and comprehend both general ideas and circumstances; it is necessary to have the capacity to keep count of principles and facts, to respect truth and expediency, and to avoid as well the blind presumption of the fanatics, as the insensate disdain of the libertines. The development of the human mind and of the social state has conducted us to this point: on the one hand, the human understanding, elevated and unshackled, has a clearer conception of the entirety of things, can direct its scrutiny to all questions, and bring everything that has being into its combinations; on the other hand, society is brought to that state of advancement that it can bear testing by the application of truth; and facts may be supported by appeal to principles, without inspiring, by such comparison, an overwhelming discouragement or disgust, in spite of their great imperfection. Therefore, by passing, as occasions arise, from the examination of circumstances to that of ideas, from an exposition of facts to an inquiry into theories, I shall only follow the natural tendency, the tone and the demands of our age. Perhaps, also, there is an additional reason in favour of this method, derived from the actual disposition of men's minds. For some time past, a decided taste, I will even say a sort of predilection, for facts, for the practical point of view and the positive side of human affairs, has manifested itself amongst us. We have been so much a prey to the despotism

of general ideas and theories, and they have cost us in many respects so dear, that they have become objects of partial distrust. We prefer to appeal to facts, to special circumstances, and to the tests of application. Nor is this matter for regret: it is a fresh advance, a great step towards the knowledge and empire of truth; taking care, nevertheless, that we avoid being carried too far by this disposition, and provided we always bear in mind that truth alone has a prerogative to reign in the world, and that facts have no merit but as they give it expression, and take form upon its model; that all true greatness springs from thought, and is indebted to it for fruitfulness. The civilisation of our country has this peculiar character, that it has never been wanting in intellectual grandeur: it has always been rich in ideas: the influence of the human understanding has been great in French society, perhaps greater than anywhere else. It must not lose this glorious feature, it must not fall into that somewhat subordinate and material state which characterises other societies. Intellect and thought must still hold in France at least the place that they have hitherto occupied.

We shall therefore on no account shun general and philosophical questions; we shall not beat about in search of them, but when facts bring us on them, we shall face them without hesitation or embarrassment. More than one occasion for this hardihood will present itself, on considering the feudal system in its relation to the history of European civilisation.

That the feudal system was necessary, and the only possible social state, in the tenth century, is proved by the universality of its establishment. Wherever barbarism ceased, everything took the feudal form. At the first moment, men saw in it only the last stage of chaos. All unity and general civilisation seemed finally prorogued; society was seen dismembered on all sides, and a multitude of petty, obscure, isolated, and incohesive societies, to arise. This appeared to contemporaries the dissolution of all things, a universal anarchy. Both the poets and chroniclers of the era believed the end of the world at hand. Yet this feudal society was so necessary and inevitable, so completely the only possible consequence of the anterior state, that all entered into it, all adopted its form. Even elements the most foreign to the system—the church, municipalities, royalty—were constrained to accommodate themselves to it: churches became superiors and vassals, towns had lords and vassals, and royalty was hid under the mask of paramount lordship. All things were given as fiefs— not only lands, but certain rights, as those of cutting in forests, and of fishing: churches gave their casualties to be held in fief, revenues from baptisms, and the churchings of women. And in the same manner that all the general elements of society entered into the feudal frame, the minor details and circumstances of common life became its objects.

On beholding the feudal form thus take possession of everything, we are tempted to believe at the first blush that its essential and vital principle had also universal predominance. But this is a great error. The institutions and elements of society, which were not analogous to the feudal system, did not renounce their peculiar nature or principle, although borrowing the feudal form. The feudal church did not cease to be animated and governed at bottom by the theocratic principle; and in order to give it prevalence, it struggled unceasingly, sometimes in concert with the royal power, sometimes with the pope, and sometimes with the people, to destroy the system whose livery, so to speak, it wore. It was the same with royalty and the corporations; the first continued, at bottom, to be actuated by the monarchical principle, the last by the democratic. In spite of their feudal trappings, these varied elements of the European society constantly laboured to free themselves from a form alien to their nature, and to assume that which corresponded to their own vital principle.

After demonstrating the universality of the feudal form, it behoves us, then, to avoid concluding therefrom the universality of the feudal principle, and studying that system indiscriminately wherever its outward aspect meets our eyes. In order to gain a full knowledge and comprehension of it, in order to unfold and form a judgment of its effect upon modern civilisation, we must seek it only where the principle and form are in harmony; we must contemplate it in the hierarchy of the conquerors of the European territory. There truly resides the feudal society, and upon it I shall forthwith enter.

I mentioned just now the importance of moral questions, and the necessity of grappling with them. There is another order of considerations quite opposed to that one, which has in general been too much neglected; I mean the physical condition of society, the physical changes introduced into men's modes of existence by a new occurrence, by a revolution in the social state. Sufficient attention has not always been paid to this matter; inquiry has not been sufficiently directed to the modifications these great crises in the world have produced in the material existence of men and in their relations. These modifications have more influence upon the entirety of society than is usually imagined. Every one knows how much the question of the influence of climate has been discussed, and the great importance attached to it by Montesquieu. If the direct influence of climate upon men be mooted, it is perhaps not so extensive as is supposed; at all events, the appreciation is vague and difficult. But the indirect influence of climate—that which results, for example, from the fact, that in a hot country men live in the open air, whilst in cold countries they shut themselves up in habitations, and that they support themselves in the two extremes after different modes—becomes of extreme importance, since the mere variation in physical life has a powerful operation on civilisation. Now every great revolution brings with it modifications of the sort I have mentioned into the social state, and it is incumbent upon us to give them great attention.

The establishment of the feudal system produced one of these changes of grave import; it completely altered the distribution of the population on the face of the land. Previously, the masters of the territory, the conquering population, had lived in masses more or less numerous, either sedentary in the interior of towns, or roving in bands over the country. By the feudal system, these men came to live isolated, each in his habitation, at great distances from each other. This change of course exercised material influence upon the character and course of civilisation. The social preponderance, the government of society, passed at once from the towns to the country; private property necessarily became of greater importance than public property, and in the same manner public life was absorbed in private life. Such was the first effect, a purely physical effect, of the triumph of the feudal society. The farther we investigate it, the more will the consequences of this single fact be unveiled.

In order to get more unequivocally at the part borne by this system in the history of civilisation, let us first of all take it in its most simple phase, in its primitive and fundamental element; let us contemplate a possessor of a fief in his domain, and inquire what becomes of all those who compose the petty society around him.

He establishes himself in an isolated and elevated locality, which he takes care to render sure and strong; he builds there what we shall call his castle. With whom does he establish himself? With his wife and children: perhaps some free men, who are not proprietors, are attached to his person, and continue to live with him and frequent his table. These are the occupiers of the interior of the castle. Around its base is grouped a small population of colonists and serfs, who cultivate the domain of the owner of the fief. In the midst of this inferior population religion erects a chapel, which attracts a priest. In ordinary cases, during the first period of the feudal government, this priest was at once the chaplain of the castle and the curate of the village; in time these two characters were separated, and each village had its minister, who dwelt beside his church. Such was the elementary, the atomic state (so to speak), of the feudal society. This is the condition that we have first to examine; and we will subject it to the double question that it is expedient for us to address to all facts—What resulted from it towards the development, 1***st***, of man himself, 2***d***, of society?

We are strictly correct in submitting this narrow society to the double analysation, and in relying on the result, for it is the faithful type and image of the feudal society in its full extent. The lord, the people of his domains, and the priest, represent feudalism on the large scale as well as on the small, when it is severed from royalty and the towns, which were distinct and foreign elements.

The first fact which strikes us in considering this petty association, is the prodigious importance which the possessor of the fief must have had in his own eyes, and in the eyes of those who surrounded him. The sentiment of personality, of individual liberty, was the predominant one of the barbarian life. But here the matter was quite altered; there was not only the independence of the man or warrior, but also the importance of a proprietor, of a family chief; of a master. From this position must have sprung an impression of immense superiority, a superiority altogether peculiar, and greatly different from anything perceptible in the course of other civilisations. I will give an illustration of this. I take a high aristocratic condition in the ancient world; a Roman patrician, for example. Like the feudal lord, he was the head of a family, a master, a superior. He was the priest, the pontiff, in the interior of his family. Now his importance as a religious magistrate came to him from without; it was not an importance purely personal or individual; he received it from above, as the delegate of the Divinity, the interpreter of the religious doctrines attached to that idea. The Roman patrician was, furthermore, the member of a corporation which was gathered into one place, the senate, giving him an additional importance derived from without, received and borrowed from his corporation. The grandeur of the ancient aristocrats, associated as it was with a religious and political character, belonged to the station, to the corporation in general, rather than to the individual. That of the possessor of a fief was purely personal; he drew nothing from any one; all his rights and all his power came to him from himself alone. He was not a religious magistrate, he made part of no senate; in his own person, in his individual self, all his importance resided, and all that he was he was by himself, and in his own right. How great an influence must such a position have exercised upon him who occupied it! How much of individual haughtiness, what prodigious pride—let us not mince the word—what insolence, must have been generated in his mind! Above him was no superior whose representative and interpreter he might be; near him, no equals; no powerful and general system of law restraining him, no external control shackling his will, and no curb upon him but the limitations of his strength and the presence of danger. Such was the moral result of the situation on the character of the man.

I proceed to a second consequence, also of grave moment, and too little noticed—the particular tone of the feudal family spirit.

Let us cast a glance upon the various systems of family, taking first of all the patriarchal, of which the Bible and the eastern records sketch the model. Here the family was very numerous; it formed a tribe. The chief or patriarch lived in common with his children, his near relatives, the different generations which had sprang up around him; in a word, his whole kindred, together

with his servants; and not only did he live with them, but he had the same interests and occupations, and his existence was in all things the same as theirs. Was this not the situation of Abraham, of all the patriarchs, and of the Arab chiefs who still present the image of the patriarchal life?

Another family system offers itself, the ***clans***, a sort of petty associations, of which the type is to be found in Scotland and Ireland, through which in all probability a great portion of the European world has passed. This was very different from the patriarchal family. There existed an important distinction between the situations of the chief and the rest of the population: they did not lead the same life; the greater part tilled and served, whilst the chief was an idler and a warrior. But they had a common origin, and they all bore the same name; whilst relations of kindred, old traditions, identity in recollections, and feelings of attachment, established a moral tie, a sort of equality, amongst all the members of the clan.

These are the two principal types of family association that history supplies. But do they contain the feudal family? Certainly not. At the first glance, some similarity may be imagined to exist with the clan, but in reality there was a great difference. The population which surrounded the possessor of a fief was perfectly alien to him; it neither bore his name, nor was there between him and it any relationship, or traditional or moral tie. And assuredly it was not the patriarchal family. The fief-holder led not the same life, nor surrendered himself to the same labours, as those who encompassed him; he was addicted to idleness and war, and their occupations were servile and toilsome. The feudal family was not numerous; it formed no tribe; it included simply the family, properly so called, the wife and children, who lived apart from the rest of the population in the seclusion of the castle. The serfs made no part of it; their origin was distinct, and their inequality of condition prodigious. The feudal family was composed of five or six individuals, occupying a position at once superior and antagonistic. In such a state, it was sure to be invested with a peculiar character. Thus it was close and concentrated, perpetually on the alert to defend itself, doubtful of, or at least isolating itself from, its very retainers. The home life, or domestic manners, were certain to become of preponderating influence in this sequestered state. I am well aware that the development of domestic manners would meet with great obstacles from the brutal passions of the chief, and his habits of consuming time in war and the chase. But these obstacles would be overcome; the chief, of course, must have habitually returned to his home, and there he would always find his wife and children; they alone must have been his permanent society, and the assured sympathisers with his interests and projects. Under these circumstances, it was impossible that the domestic existence should not acquire a great sway. There are numerous proofs of it. Was it not in the bosom of the feudal family that the importance of women received its grand development! In all the ancient societies, not adducing those in which the spirit of family did not prevail, but in those even where it was potential, in the patriarchal life, for example, the women were very far from holding the station they acquired in Europe under the feudal system. This change or advancement in their position was mainly owing to the development, to the necessary preponderance, of domestic manners in the feudal state. Its cause has been sought for in the peculiar manners of the ancient Germans, in a sort of national respect which, it is asserted, they paid to women amidst their primeval forests. Founding upon a phrase of Tacitus, German patriotism has reared a fabric of such superior gentleness, of such native and ineffaceable purity, in the relations of the two sexes amongst the old Germans, as is truly surprising. Similar phrases to those of Tacitus, sentiments and usages analogous to those of the ancient Germans, are found in the recitals of a host of describers of savage or barbarian populations. The result was not owing to anything primitive, or peculiar to a certain race. It was from the consequences of a social situation strongly marked, from the progress and preponderance of domestic manners, that the importance of women in Europe originally sprang, and this very preponderance became, at a very early date, an essential characteristic of the feudal system.

A second fact, forming an additional proof of the sway of domestic ties, likewise distinguished the feudal family—namely, the hereditary spirit, the desire for perpetuity which clearly prevailed in it.

The idea of hereditary descent is inherent in the spirit of family, but it never took so great a development as in the feudal system. This resulted from the nature of the property to which the family was linked. The fief was not like any other property; it had constant need of a possessor to defend it, to do its services, to fulfil the obligations cohesive to the domain, and so maintain its position in the general association of the lords of the soil. Thence arose a species of identification between the actual possessor of the fief, and the fief itself, and the series of his future successors.

This circumstance greatly contributed to strengthen and bind more closely the family ties, already so powerful from the nature of the feudal state.

I shall now leave the seignorial abode, and descend amongst that petty population which surrounded it. Here things bore a very different aspect. The nature of man is so happily disposed, so open to impressions, that when a social situation endures any length of time, a certain moral tie, sentiments of protection, benevolence, and affection, are inevitably established between those whom it draws together, whatever conditions may clog the junction. So it happened in the feudal system. There is no doubt that after the lapse of a certain period, some moral relations, some habits of affectionate regard, were formed between the serfs and the owner of the fief, in spite of their reciprocal situation, and certainly not in consequence of it; for, considered in itself, the situation was radically vicious. There was nothing morally in common between the lord and the serfs; they formed part of his domain, and were his property; under which designation were comprised all the rights that we at present call rights of public sovereignty, as well as the privileges of private property, he having the right of giving laws, of imposing taxes, and of inflicting punishment, as well as that of disposing and selling. In fact, as between the lord and the labourers on his domain, there were no recognised laws, no guarantees, no society, at least so far as may be predicated of any state in which men are brought into contact.

Hence arose, as I believe, that vast inextinguishable hatred which the country people have borne at all times to the feudal system, to its recollections, and to its very name. We are not without examples that men may endure oppressive despotisms, become used to them, and even voluntarily accept them. Both theocratic and monarchical despotisms have more than once obtained the sanction, almost the affection, of the population subjected to them. The feudal despotism was always repulsive and odious; it sat heavily on the destinies, but it never reigned over the minds, of men. The reason of the difference is obviously deducible from the fact, that power in a theocracy or monarchy is exercised by virtue of principles common to the wielder and the subject; the former is the representative and administrator of another power, superior to all human powers; he speaks and acts in the name of the Divinity, or of a general idea, and not in right of man himself, and of man alone. The feudal despotism was quite the contrary; it recognised the power of one individual over another, the dominion of the personal and capricious will of a man. This is perhaps the only tyranny that man, to his eternal honour, never would yield to. Wherever he perceives that his master is but a man, so soon as the will which weighs upon him is but a human individual will like his own, he grows indignant, and submits to the yoke with wrath. Such was the veritable and distinctive character of the feudal sway, and such also was the origin of the antipathy which it never ceased to inspire.

The religious element which was associated with it was little calculated to lighten the burden. I do not believe that the influence of the priest was at all considerable in the confined society I have just depicted, nor that he succeeded, to any great extent, in imparting a juster character to the relations between the servile population and the lord. The church has doubtless exercised an important influence on European civilisation, but it has done so by proceeding in a general manner, by operating a change on the general dispositions of men. Now when we narrowly scrutinise the petty feudal society, limiting the designation as I have previously done, we find the influence of the priest, as between the lord and the serfs, almost a nullity. In the majority of cases, he was himself as boorish and subservient as the serf, and in very poor condition and

weak inclination to bear up against the arrogance of the superior. We can readily imagine that he, the sole instrument to sustain and develop any sort of moral life in the lower population, would be useful to it in that respect, and attract some regard; he would confer a modicum of consolation and enlightenment; but he neither could nor did effect much in his ministry.

I have now examined the elementary feudal society, and brought forward the principal consequences that necessarily flowed from it, as affecting the possessor of the fief himself, his family, and the population gathered around him. We will now emerge from this narrow circle. The population of the fief was not alone on the face of the land; there were other societies, analogous or different, with which it had relations. The influence of this general society upon civilisation, therefore, becomes our present object of inquiry.

Before entering upon it, I will hazard a short remark. It is true that the owner of the fief and the priest both belonged to a general society; at a distance, they had numerous and frequent relations. It was not so with the serfs: whenever we use a general word, as, for instance, the word 'people,' to designate the rural population at this epoch, which conveys the idea of a society, one and indivisible, we speak inaccurately. For this population there was no general society; its existence was purely local. Beyond the territory in which they had habitation, the serfs held communication or interests with no individual or thing. There was for them no common destiny or common country: they did not compose a people. Therefore when we speak of the feudal association in its entirety, reference is made to the owners of fiefs alone.

Let us see, then, what were the relations of the lord of the isolated society with the general society in which he was involved and what consequences they brought to bear upon the development of civilisation.

The reciprocal ties that united the possessors of fiefs, the duties attached to their tenures, the obligations of service on one side, of protection on the other, are well known. I will not enter into their detail; a general idea of them is sufficient for my purpose. There must necessarily have flowed from them a certain number of ideas and moral sentiments, conceptions of duty, and feelings of attachment, impressed on the mind of each proprietor. That the principle of fidelity, of devotedness, of loyalty to engagements, and all the sentiments thereunto persuading, were evolved and sustained by the mutual relations amongst the holders of fiefs, is sufficiently evident.

It was attempted to convert these obligations, duties, and feelings, into rights and institutions. Every one is aware that the feudal system endeavoured to make matter of legal regulation the services that the possessor of the fief owed to his superior, and those that he might claim in return, the cases in which the vassal could be called upon by his suzerain for a military or money aid, and the forms in which he might obtain the consent of his vassals for services to which they were not bound by the holding of their fiefs. They essayed to put all these rights under the guarantee of institutions calculated to insure respect. Thus, the seignorial jurisdictions were intended to administer justice between holders of fiefs, upon reclamation to their common suzerain. Thus, also, every considerable lord gathered his vassals into a parliament, in order to treat with them upon affairs which required their consent or co-operation. In fact, there was a concourse of political, judicial, and military modes, by which they strove to organise the feudal system, and to convert the relations of the possessors of fiefs into rights and institutions.

But these rights and institutions had no substantiveness or guarantee.

When we are asked in what a political guarantee consists, we are induced to acknowledge that its fundamental character is the constant presence in society of a force, disposed and conditioned to impose law upon individual will and power, and to compel their observance of rules laid down for all, and their respect to general rights.

There are only two possible systems of political guarantees. Either there is requisite one

particular will or force, so superior to all others, that none can resist it, and to which all are obliged to submit when it interferes; or a public force and will, the result of the concurrence and demonstration of individual wills, is required to be in such a state, when once fairly developed, as to awe and impose submission upon all.

Therefore the despotism of a single man or body, or a free government, are the only two possible systems of political guarantees. When we come to review the various governing forms, we shall find that they are all assignable within one or other of these systems.

But neither the one nor the other existed, or could exist, in the feudal state.

Yet the possessors of fiefs were not all equal amongst themselves, for a great many of them were powerful enough to oppress the weaker. But there was none, even taking the king, the first of the suzerains, who was in a condition to impose law upon all the others, and enforce obedience. All the permanent means of power and action were wanting; no permanent troops, or imposts, or tribunals, were in existence. Every time a call was made for aid on the social strength and institutions, they required a new commencement, a fresh creation, as it were. Tribunals were to be created at each process, an army when war was imminent, a revenue when the necessity for money was urgent: all was occasional, accidental, and merely adapted for the special exigency: all the springs of a central, stable, and independent government were deficient. In such a system, it is quite clear that no individual was in a condition to make his will a rule for others, or to render the general law respected by all.

On the other hand, resistance was as easy as repression was difficult. The possessor of a fief could defend himself with great facility, shut up in his habitation, having but a small number of enemies to oppose, and many means of forming coalitions, and drawing succour from vassals in the same situation as himself.

Therefore the first system of political guarantees—namely, that which intrusts them to the intervention of one preponderating strength—was palpably impossible in the feudal state.

The other system, that of free government, of a public power and force, was likewise out of the question; it never could have taken root in the midst of feudalism. This was owing to a very simple cause. When we speak at the present day of a public power, and of what we call the rights of sovereignty—namely, the rights of legislation, of taxation, and of punishment—we know and feel that they appertain not to any individual, and that no person has a prerogative, derived from himself alone, to punish others, or to impose upon them a burden or a law. These are privileges which are only vested in society as a mass, exercised in its name, and held not from itself, but imparted from a higher influence. So when an individual is arraigned before a power invested with these rights, he is irresistibly, and perhaps unwittingly, impressed with the feeling, that he is at the bar of a public and legitimate tribunal, which holds a mission to command over him, to which he yields a mental and immediate submission. Now, in the feudal system, on the contrary, the holder of a fief was invested with all the rights of sovereignty in his domain, and over the people inhabiting it; they were inherent to the domain, and matter of private property—so much so, that the prerogatives now recognised as public were then private, and the public powers were equally appropriated. When the possessor of a fief, in the habit of exercising sovereignty, in his own name, and by right of property, over all the population amongst which he lived, attended an assembly or parliament held by his suzerain—a parliament generally scanty in numbers, and composed of his equals, or those who were nearly so—he carried neither to it nor from it the idea of a public power. Such an idea was in contradiction to his whole existence, and to all that he was accustomed to do in the interior of his domains. He saw in that assembly only men invested with the same rights as himself, in the same situation as he was, and acting, like him, by virtue of personal will. Nothing led or compelled him to acknowledge in the most elevated portion of the government, or in the institutions now known as public, that superior and general character inherent in the idea that we entertain of political powers. And if he were dissatisfied with

the decision, he refused to concur in it, or appealed to force to resist it.

In reality, force was the true and habitual guarantee of rights in the feudal system, if it be permitted to call force a guarantee. The only means of inducing acknowledgment and respect to rights was an incessant recurrence to force. No institution availed; and so perfectly was this felt, that institutions ceased to be invoked. If the seignorial courts and feudal parliaments had been conditioned to act, they would have been much more energetic and frequent than history represents them: their rarity proves their uselessness.

Nor need we be surprised at this result, for it proceeded from a cause yet deeper and more decisive than those I have just indicated.

Of all systems of government and political guarantees, assuredly the most difficult to establish, and give stability to, is the federative; that system which consists in leaving to each locality and particular society all the portion of governing power that can possibly remain in it, and removing only that portion which is indispensable to the maintenance of general society, in order to form therefrom, in the heart of that society, a central government. In fact the federal system, although logically the most simple, is actually the most complex. To reconcile the degree of local independence and liberty which it leaves in force, with the degree of general order and submission which it demands and involves in certain cases, evidently requires a very advanced civilisation: it is absolutely essential that the inclinations of men, and individual choice, co-operate in the establishment and maintenance of the system much more than in any other, for the coercive means are far inferior.

The federal system, therefore, is one which certainly requires the highest development of reason, morality, and civilisation, in the society for which it is intended. Yet this was the system that feudalism essayed to establish, for, in its general features, it was an actual federation. It rested upon the same principles as those upon which the confederation of the United States of America is at present founded. It assumed to confer upon each lord all the government and sovereignty that he could wield, and invest the suzerain, or the general assembly of barons, with the least possible portion of power, and this only in cases where it was absolutely necessary. The impossibility of establishing such a system amidst the ignorance, the brutal passions, and the imperfect moral state of men, as existing under the feudal regime, cannot be matter of doubt. The very nature of such a government was utterly opposed to the manners of the men to whom it was to be applied. Who, then, can be surprised at the failure of these attempts at organisation!

We have now considered the feudal society, first in its most simple and fundamental element, and latterly in its entirety. Under these two aspects, we have endeavoured to trace what its necessary and natural influence must have been on the course of civilisation. We are led, as I conceive, to this double result:

1***st***, Feudalism has exercised a considerable, and, upon the whole, a salutary influence upon the inward development of the individual being; it excited in the minds of men energetic ideas and sentiments, moral wants, and fine displays of character and passion.

2***nd***, In a social point of view, it failed in founding either legal order or political guarantees. It was a system indispensable to give a new commencement in Europe to the society so utterly dissolved by barbarism as to be incapable of a more regular or extended form, and the feudal form, radically bad in itself, could neither be reduced to regularity, nor be made expansive. The only political right that the feudal system has given prevalence to in the European society, is the right of resistance. I do not speak of legal resistance, for that could not become a question in a society so little advanced. The progress of society alone effects the substitution, on the one hand, of public powers for individual wills, and on the other, of legal resistance for that offered by particular persons. In this is the great object and chief perfection of the social order: a considerable latitude is left to personal liberty, and when that liberty comes to fail, and is reduced

to defend its rightfulness, it is to public reason only that appeal can be made, to decide the process instituted against individual freedom. Such is the system of legal order and of legal resistance. Under the feudal system, there was of course nothing similar. The right of resistance, supported and practised by the feudal law, was the right of personal resistance—a terrible and unsocial right, since it is an appeal to force, to war, which is the destruction of society itself; but it is nevertheless a right which can never be completely extinguished in the human mind, for its abolition would be a recognition of servitude. The sentiment of the right of resistance had perished in the decay of the Roman society, and could not be raked up from its ashes; nor could it spring very naturally, as I imagine, from the principles of the Christian society. Feudalism, then, introduced it into the manners of Europe. It is to the honour of civilisation to render it always active and dormant, whilst it is to the credit of the feudal system to have constantly professed and asserted it.

Such is the result, if I mistake not, of the examination into the feudal society, considered in itself and in its general elements, independently of the historical development. If we pass to facts, to history, we shall find that everything has happened as was destined, that the feudal regime has effected what it was sure to do, and that its destiny has been in conformity with its nature. Events may be adduced in corroboration of all the conjectures and inductions that I have drawn from the mere nature of that system.

Let us cast a glance upon the general history of feudalism from the tenth to the thirteenth century. It is impossible to be blind to the fact, that it exercised a great and salutary influence upon the individual development of man, of his sentiments, character, and ideas. We cannot open the histories of that period without meeting a crowd of noble sentiments, of great actions, and agreeable developments of humanity, evidently springing from the inward temper of the feudal manners. It is true, chivalry does not resemble feudalism, yet it is its daughter. It was from feudalism that the first notions of those lofty, generous, and faithful sentiments came.

Again, in another point of view, the first burst of the European imagination, the first essays at poetry and literature, the first intellectual pleasures that Europe tasted after shaking off barbarism, were encouraged and fostered by the feudal spirit, and were brought forth in the recesses of the castles. For this sort of development of humanity, a movement in the mind and in life, leisure, a thousand conditions are required, which cannot be met with in the toilsome, sad, and boorish existence of the common people. Hence it is with the feudal times in France, England, and Germany, that the first literary recollections, the first intellectual enjoyments of Europe, are associated.

In return, if we investigate history as to the social influence of feudalism, it will tell us, agreeably to our conjectures, that it has been everywhere opposed, as well to the establishment of general order, as to the extension of general liberty. In whatever quarter we consider the progress of society, we shall find the feudal system standing as an obstacle. From the first period of its existence, we perceive the two forces that have been the great levers in the development of order and liberty, the monarchical power on the one hand, and popular power on the other, royalty and the people attack it, and struggle unceasingly against it. Some attempts were made at various eras to give it regularity, to bring it to a state somewhat legal and general; as in England by William the Conqueror and his sons, in France by St. Louis, and in Germany by several of the emperors. But all the trials and attempts failed, for the very nature of the feudal society was repugnant to order and legality. In modern times, some ingenious men have endeavoured to dress up feudalism as a social system, and to give it a legal, regular, and progressive form: they have made a golden age of it. But if they are asked to adduce their proofs, to assign a locality or a time for this Utopia, they are unable to do so; for they would represent a drama, for which neither theatre nor actors are to be found in the past. The cause of this error is easy of discovery, and it is one which equally explains the contrary mistake of those who cannot entertain the idea of the feudal system without absolute execration. Both parties have failed to take into consideration the double aspect under which feudalism presents itself: to

distinguish, on the one hand, its influence upon the individual development of man, upon his character, sentiments, and passions; and on the other, its influences on the social state. The first are unable to conceive that a social system should be so full of evils, and so fatal, as is alleged, in which such lofty sentiments, and so many virtues, are found, in which they see literature take root, and manners assume a certain elevation and dignity. The others behold only the ill resulting from feudalism to the mass of the population, and the obstacles planted by it to the establishment of order and liberty, and are unwilling to believe that noble characteristics, great virtues, or any advancement whatsoever arose from it. Both have overlooked the double element of civilisation, and forgotten that it consists in two developments, one of which can be produced in the course of time, independently of the other; although after many ages, and a long series of events, they must reciprocally call and bring forth each other.

In conclusion, what the feudal system was, and what it effected, it was necessitated to be and to effect. Individuality, a personal existence in full energy, was the predominant feature amongst the conquerors of the Roman world, and therefore the development of individuality necessarily resulted from the social system founded by them. What man himself bears with him into a social system when he enters it, his inward and moral dispositions, powerfully influence the situation he occupies. The situation in its turn reacts upon the dispositions, fortifies and developes them. The individual swayed in the German society; therefore the feudal system, the offspring of the German, exercised its influence to the promotion of individual development. The same fact is discernible in the various elements of civilisation. They have remained faithful to their original principles; they have advanced and pushed forward the world in the route upon which they first entered. In the succeeding lecture, which will embrace the history of the church from the fifth to the twelfth century, and of its influence upon European civilisation, a new and striking example will be supplied.

Lecture V.
The Church From The Fifth To The Twelfth Century.

Having examined the nature and influence of the feudal system, we next enter upon the subject of the Christian church from the fifth to the twelfth century; of the ***church***, as I have once before remarked, because I do not purpose to descant upon Christianity properly so called, upon Christianity as a religious system, but upon the church, upon the Christian clergy as an ecclesiastical society.

In the fifth century this society was almost completely organised. Of course it has undergone since that era many and important changes, but it may be asserted that the church, considered as a corporation and government for the Christian people, had attained a complete and independent existence.

It requires but a single glance to recognise a prodigious difference between the state of the church in the fifth century, and that of the other elements of European civilisation. I have particularised, as the fundamental elements of our civilisation, the municipal and feudal systems, royalty, and the church. In that age the municipal system was a mere relic of the Roman Empire, a lifeless and formless shadow. The feudal system had not emerged from chaos. Royalty existed but in name. All the civil elements of modern society were in decay or struggling infancy. The church alone was at once young and constituted; it alone had acquired a definitive form, and preserved all the vigour of its first ages; it alone possessed the principle of movement and of order, energy and system, the two great instruments of influence. Is it not, I ask, by the moral action, the internal movement on the one hand, and by order and discipline on the other, that institutions are ingrafted upon societies? Besides, the church had stirred up all the great questions which interest men; all the problems concerning human nature, and all the chances of

human destiny, were its matters of discussion. Thus its influence upon modern civilisation has been very great, much greater, perhaps, than its hottest adversaries or its most zealous defenders made it. They, occupied in serving or opposing it, considered it only in a polemical point of view, and were unable, as I conceive, to judge it with impartiality, or to measure it in all its extent.

The church of the fifth century presents itself as an independent and constituted society, standing between the masters and sovereigns of the world, the possessors of temporal power on the one hand, and the people on the other, serving as a link between them, and acting upon all.

Therefore, to ascertain and perfectly understand its action, we must consider it under three aspects. We must first of all survey it in itself, and take account of what it was, its internal constitution, the principles which predominated in it, its nature; then examine it in its relations with temporal sovereigns, kings, lords, or others; and finally, in its relations with the people. And when, from this triple examination, we have deduced a complete idea of the church, of its principles, situation, and the influence it was destined to exercise, we will verify our reasonings by history, or, in other words, we will inquire whether facts, properly so called, are in accordance with the results which the study of the church and of its various relations led us to draw.

First, then, of the church in itself, of its internal state, its nature.

The first imposing fact, and the most important perhaps, is its mere existence—the existence of a government based on religion, of a clergy, of an ecclesiastical corporation, of a priesthood, of a religion in the sacerdotal state.

To very many enlightened men, these words alone, a body of priests, a priesthood, a government based on religion, appear decisive of the question. They are of opinion that a religion which has worked up to a body of priests, to a clergy holding a legal constitution, a religion, in fact, under governance, exercises an influence, taken upon the whole, more hurtful than beneficial. According to their idea, religion is a purely individual affair between man and God; and whenever it loses this character, and an external authority is interposed between the individual and the object of his religious creed, that is to say, the Almighty, religion is adulterated, and society endangered.

The examination of this question is imposed upon us. In order to learn the influence exercised by the Christian church, it is necessary to have a distinct idea of what ought to be the influence of a church or body of clergy, from the nature of the institution itself. To attain this end, it behoves us to enter upon the preliminary investigation, whether religion is, in fact, purely individual? whether it provokes, and gives rise to, nothing more than an inward relation between each man and God? or whether it of necessity becomes a source of new relations between men, from which religious society, and a government for that society, as inevitably result?

If religion be reduced to the religious sentiment properly so called, to that sentiment certainly quite real, yet still somewhat vague and uncertain in its object, which we cannot further characterise than by its mere mention; that sentiment which addresses itself sometimes to exterior nature, sometimes to the most subtle emotions of the soul, now to poetic effusions, now to the mysteries of the future, which ranges inimitably, seeking everywhere for satisfaction, and fixing itself nowhere; if religion be restricted to this sentiment, I say, then must it, in my understanding, remain purely individual. Such a sentiment may indeed provoke a momentary association amongst men; it may, and in fact must, take pleasure in sympathy, and be nourished and strengthened by it. But from its unsettled and wavering nature, it is incapable of becoming the principle of a permanent and extended association, or of accommodating itself to any system of precepts, rites, and forms; in a word, to give origin to a religious society and government.

But I am strangely at fault, if this religious sentiment gives complete expression to the whole

religious nature of man. According to my idea, religion is a great deal more.

There are problems in human nature and in human destiny whose solution is beyond this world, which are linked to an order of things unknown to the visible creation, but which irrepressibly torment the minds of men, and which they are absolutely bent upon solving. The solution of these problems, with the creeds and dogmas which contain, or at least profess to contain it, is the first object, and the first source of religion.

Yet another route conducts mankind to it. To those who have pursued philosophic studies to some extent, it is, I believe, clear enough that morality exists independently of religious ideas; that the distinction between good and evil in morals, and the obligation to shun evil and do good, are laws that man recognises in his own nature as much as the laws of logic, having their principle inherent in him, and their application in his actual life. But these facts being settled, and morality invested with independence, a question arises in the human understanding—Whence comes morality?—whither does it lead? Is this obligation to do good, which subsists by itself, an isolated fact, without an author or an end? Does it not veil from, or rather does it not reveal to man, an origin and a destiny which is not of this world? This is a spontaneous, inevitable question, and it is one by which morality, in its turn, leads man to the threshold of religion, and opens to him a sphere from which he has not originally received it.

Thus, on one hand, the problems concerning our nature, on the other, the necessity of seeking for morality a sanction, an origin, and a purpose, are fruitful and assured sources to religion. Hence it presents itself under many other aspects than that of a pure sentiment, such as I have described: it presents itself as a whole, combining, 1***st***, Doctrines evoked by the problems which beset man himself; 2***d***, Precepts corresponding to those doctrines, and giving a meaning and sanction to natural morality; and, 3***d***, Promises addressed to the hopes of futurity entertained by humanity. These are what truly constitute religion, and such it is at bottom, and not a mere expression of sensibility, a burst of the imagination, or a variety in poetic inspiration.

Thus brought to its true elements, to its essence, religion no longer appears as a matter purely individual, but as a powerful and fruitful principle of association. First take it as a system of creeds and dogmas. Truth belongs to none peculiarly; it is universal and absolute; men require to seek and profess it in common. Then as to the precepts associated to doctrines: an obligatory law for one individual is so for all; it must be promulgated, and all men must be brought under its empire. Lastly, as to the promises which religion makes under sanction of its creeds and precepts: they must be spread far and wide, and all must be called to enjoy their blessing. Therefore it is from the essential elements of religion that religious society arises; and it results so infallibly from them, that the word proselytism, which is especially applied to religious creeds, and seems almost exclusively consecrated to them, is still that which expresses the most forcible of social sentiments, that incessant craving to propagate ideas, and give extension to any particular society.

When the germs of the religious society are once laid, that is, when a certain number of men are united in common religious articles of belief, under a law of common religious precepts, and in common religious hopes, a government is needed for them. No society can exist a week, even an hour, without a government. At the very moment that the society is formed, and by the mere fact of its formation, it calls up a government to proclaim the common truth, the bond of the society, and to promulgate and maintain the precepts which that truth may bring to light. The necessity for a power or government over the religious society, as over every other, is implied in the fact of the existence of the society. And not only is the government absolutely essential, but it forms itself naturally. I cannot linger long in explaining how government is produced and established in society at large; I will confine myself to the remark, that when things follow their natural laws, when force takes no part, power falls to the most able, to the best, to those who will lead society to its object. Is a warlike expedition contemplated? The most valiant will take the power. Has the association in view some skilful investigation or enterprise? The most qualified will attain the mastery. In all cases, whenever the world is left to its natural course, the natural inequality of men is freely displayed, and each takes the place which he is capable of filling. And in the religious relation, men are not more equal in talents, powers, and capacity, than in other respects: such a man will be more capable than another to shed light upon religious doctrines, and to make them generally adopted; another will derive from himself more authority to enforce the observance of the religious precepts; and some other will excel in sustaining and raising the emotions of the mind and the religious hopes. Hence the same inequality in faculties and influence, which gives birth to power in civil society, is equally its cause in religious. Missionaries come forth and declare themselves, like generals. So that, as on the one hand a religious government necessarily results from the nature of a religious society, so on the other, by the mere operation of human faculties, and their unequal distribution, its development also is perfectly natural. Therefore, as soon as religion is planted in man, a religious society is formed; and as soon as the religious society appears, it produces its government.

But here a fundamental objection arises, from the absence of anything to ordain and impose, and from nothing coercitive being legitimate. That there is, in fact, no scope for government, since liberty ought to subsist unrestricted.

It is, I believe, a very confined and rude idea of government to imagine it to reside solely, or even with regard to the force which it exhibits to insure obedience, in its coercitive element.

I leave the religious point of view, and take civil government, following the simple course of events. Society exists: there is something to do, no matter what, for its interest, or in its name; there is a law to give, a measure to take, or a judgment to pronounce. Most assuredly there is likewise a good law to make, a good resolve to follow, and a good judgment to deliver. Whatsoever may be the subject under discussion, or the interest brought in question, upon all occasions there is a truth necessary to be known, and which ought to decide the conduct.

The first act of government is to seek out this truth, and to discover what is just and reasonable,

and what is suitable to the society. When it has found it, it proclaims it. Then it must endeavour to impress upon the minds of those upon whom it is to act, that it is right, so as to gain their approval and acquiescence. Is there anything coercive in all this? Certainly not. Now suppose that the truth, which ought to decide the affair, whatever it may be, is found out and proclaimed, that all understandings are immediately convinced, all inclinations determined, that all universally recognise the government to be right, and give it spontaneous obedience; there is still no coercion, there is no need for the employment of force. But is it to be concluded from this that government has not subsisted, that, in fact, there has been no government? Most clearly there has been a government, and it has accomplished its true task. Coercion comes only when the resistance of individual wills presents itself, when the idea, or the measure which government has adopted, obtains not the approbation or the voluntary submission of all. Then the government employs force to make itself be obeyed, a necessary result of human imperfection, an imperfection residing at once both in the governing power and in the society. There will never be any means for absolutely avoiding it; civil governments will always be obliged to have recourse to it in a certain degree. But surely coercion does not constitute them; whenever they can dispense with it, they do so, to the great advantage of all, and their highest state of perfection is to pass from it, and to rely upon purely moral means, upon the influence exercised over the intelligence of men; insomuch that the more a government departs from coercion, the more faithful is it to its true nature, and the better fulfils its end. It is not, therefore, lowered or unduly contracted, as is vulgarly echoed; it acts in another manner, and that manner infinitely more general and powerful. Those governments which employ most coercion, effect much less than those which employ none. By addressing itself to good sense, by convincing free wills, by acting with means purely intellectual, a government, instead of lowering itself, is extended and elevated, and it is under such circumstances that it accomplishes its greatest actions. On the contrary, it is when it is obliged to ceaselessly employ coercion that it contracts and shrinks, effects very little, and that little very badly.

The essence of government, then, is far from residing in coercion, or the employment of force. That which constitutes it most especially, is a system of means and powers, based on the principle of truly seeking the discovery of what is fitting to be done upon each occasion, the discovery of the truth which ought to govern society, so that it may be afterwards made to penetrate the minds of men, and procure their voluntary and free adoption. The necessity for, and the existence of a government, are therefore quite conceivable, even when there is no scope given to coercion, or when it is absolutely interdicted.

Now this is exactly the government of a religious society. There is no doubt that coercion is prohibited in it, for inasmuch as the human conscience is its only territory, the employment of force is unquestionably illegitimate, whatever may be the object in view; but it does not the less subsist, nor is it the less incumbent upon it to accomplish all those things previously mentioned. It behoves it diligently to search for the religious doctrines which solve the problems upon the human destiny, or if there be already a general system of articles of belief in which those problems are solved, then, in each particular case, to unveil and place in full light the ordinances of the system; it must promulgate and enforce the precepts which correspond to its doctrines, and it must preach and expound them, and when society falls from them, call it back. But nothing compulsory; simply investigation into, the preaching and the expounding of, religious truths; in case of need, admonitions and censure. In this lies the task, as also the duty, of the religious government. Set aside coercion out of view altogether, still, all the essential questions as to the organisation of government arise and claim a solution. For instance, the question whether a body of religious magistrates be necessary, or whether it be possible to trust to the religious inspiration of individuals?— a question which is at issue between the majority of religious societies and the Quakers—is one which will always exist, and must always demand discussion. So also the question, whether, when it is agreed that a body of religious magistrates is necessary, preference should be given to a system of equality, where the ministers of religion are equal amongst themselves, and deliberate in common, or to a hierarchical constitution with different degrees of

power? is one which will never cease, on account simply of all coercitive power being denied to the ecclesiastical magistrates, whatever may be their denomination. Instead, therefore, of seeking the dissolution of the religious society, so as to attain a right to destroy the religious government, we are bound to remember that the religious society is formed in the natural order of things, and that the government results as naturally from the society; and that the real problem to resolve is, to determine upon what conditions this government ought to subsist, and what are the bases, the principles, the conditions of its legitimacy. This is the true investigation which the necessary existence of the religious government, as of every other, imposes.

Now the conditions of legitimacy are the same for the government of the religious society as for every other. They may be reduced to two: the first, that the power devolves upon and remains constantly in the hands of the best and most capable, so far, at least, as is practicable in the imperfection of human affairs; that the men, legitimately superior, scattered through society, be sought out, brought forward, and called upon to decide the social law, and to exercise the power; the second, that power, rightfully constituted, respects the rightful liberties of those upon whom it is exercised. A good system in the formation and organisation of power, and a good system of guarantees for liberty, are the two conditions which imply the goodness of government in general, religious or civil. They must all be judged by this twofold criterion.

Therefore, instead of urging its existence as a reproach to the church, or government of the Christian world, it is incumbent upon us to investigate how it was constituted, and whether its principles corresponded to the two essential conditions of every good government. Let us examine the church under this double aspect.

With regard to the creation and transmission of power in the church, there is a word in frequent use in speaking of the Christian clergy, which I desire to repudiate—namely, the appellation of ***caste***. The body of ecclesiastical magistrates has been often styled a caste. The expression is far from being a just one; for the idea of hereditary descent is inherent in that of caste. If we take the countries in which the system of castes was produced, India and Egypt, we shall find it was essentially hereditary, the transmission of the same situation and power from father to son. Where the hereditary principle did not prevail, neither did the caste, but a corporation. The spirit engendered in an established body has its evil results, but it is quite different from the spirit arising from the system of castes. The word caste cannot be at all applied to the Christian church. The celibacy of the priests prevented the Christian clergy from becoming a caste.

Now the consequences of this difference are considerable. To the system of caste, to the fact of hereditary descent, monopoly is inevitably attached. The very definition of the word proves it. When the same functions and powers become hereditary in the same families, it is clear that an exclusive privilege is transmitted, and that no one can acquire these functions or powers independently of his origin. Such, in fact, was the result; for where the religious government fell into the hands of a caste, it became matter of privilege, and no person entered it but those who sprang from the families of the caste. But nothing of this sort is met in the Christian church, and indeed so far from that being the case, the church maintained the principle of the equal admissibility of all men, whatever might be their origin, to all its charges and dignities. The ecclesiastical career, more particularly from the fifth to the twelfth century, was open to all. The church was recruited from all ranks, from the inferior as well as the superior, and most frequently, indeed, from the inferior. All things were crumbling around it, under the influence of the exclusive system; it alone maintained the principle of equality and fair competition, and summoned the possessors of legitimate superiority to the assumption of power. This was the first great consequence that naturally resulted from it being a body and not a caste.

Again, there is a spirit inherent in castes, that of immutability or stagnation. This assertion has no need of proof. All history informs us that the spirit of stagnation has possessed all societies, political or religious, in which the system of castes predominated. The fear of change or progress was certainly introduced into the Christian church at a certain epoch, and up to a certain point.

But we cannot say that it predominated, nor can we assert that the church has remained immovable and stationary: during many ages it was in movement and progress, sometimes stimulated by the attacks of an outward opposition, sometimes impelled from within by the necessities for internal reform and development. Upon the whole, it is a society which has constantly changed and progressed, and whose history is marked with corresponding characteristics. It admits of no doubt that the indiscriminate admission of all men to ecclesiastical charges, and the continual recruitment of the church upon a principle of equality, powerfully aided in maintaining and unceasingly reanimating its activity and energy, and in preventing the triumph of the immutable or stagnant spirit.

How was the church, thus admitting all men to power, assured as to the justness of their claims? How did it discover, and draw out from the obscurity of the mass, those legitimately superior spirits entitled to take part in the government?

Two principles were vigorous in the church: first, the election of the inferior by the superior, a power of choice and nomination exercised by the latter; secondly, the election of the superior by subordinates, properly an election such as we esteem it at the present day.

The ordination of priests, for example, the faculty of making a man a priest, belonged to the superior alone; the choice was exercised by the superior upon the inferior. Likewise with regard to the presentation to certain ecclesiastical benefices, amongst other benefices attached to feudal grants, it was the superior, whether king, pope, or lord, who named the incumbent. In other cases, the principle of election proper was in force. The bishops had been for a long time, and were frequently, at the epoch which now engages our attention, elected by the body of the clergy, and the congregations even sometimes interfered. In the cloisters of the monasteries, the abbot was elected by the monks. At Rome, the pope was elected by the college of cardinals, and formerly the whole Roman clergy took part in that nomination. Therefore we find these two principles, the choice of the inferior by the superior, and the election of the superior by subordinates, recognised and active in the church, especially at the epoch in question, and it was by the one or the other of these means that it designed the men called to exercise a portion of the ecclesiastical power.

The co-existence of two principles so essentially different was accompanied by a struggle for mastery. After many ages and vicissitudes, the nomination of the inferior by the superior has prevailed in the Christian church. But in general it was the other principle, the choice of the superior by the subordinates, which prevailed from the fifth to the twelfth century. There is no reason for astonishment in the co-existence of two principles so very distinct; for looking at society in general, at the natural course of things, and at the manner in which power is transmitted in the world, it is unquestionable that this transmission is effected, sometimes according to one of these modes, and sometimes according to the other. The church did not invent them; it found them in the providential arrangement of human things, and it thence borrowed them. There is much sound sense and utility in each mode, and their combination might often be the best means of discovering the really legitimate claimant to power. It is a great misfortune, in my opinion, that one of the two, the choice of the inferior by the superior, has been victorious in the church. But the other has never completely perished, and under different names it has been reproduced more or less successfully at every era, so as at all events to enter protests, and interrupt the prescription.

Returning to the epoch immediately under view, the Christian church then derived a prodigious strength from its respect for equality and legitimately superior minds. It was a society in the highest degree popularised, illimitably accessible and open to all the faculties, to all the noble aspirations, in human nature. Thence sprang its power, much more than from its riches and the illegitimate means of influence which it has too frequently employed.

With regard to the second condition of a good government, respect for liberty, the church was

greatly deficient.

Two evil principles met in it; the one avowed and incorporated, so to speak, in its doctrines; the other introduced into it by human weakness, not as a legitimate consequence of its doctrines.

The first was the debasement of the rights of individual reason, the pretension to transmit articles of belief from high to low throughout the whole religious society, without allowing any one the right of private judgment. It is more easy to lay down this pretension as a principle, than to make it actually prevail. A conviction does not penetrate the human intellect, unless the intellect be itself accessory to its admission; it must be made acceptable to reason. In whatever manner it presents itself, whatever sanction it may invoke, reason weighs it, and if it prevail with the human understanding, it is because of its rationality. Thus there is always, under whatever form it may be veiled, an action of individual reason upon the ideas which are pretended to be imposed upon it. It is true, nevertheless, that reason may be perverted; it may to a certain extent nullify or emasculate itself; it may be induced to make a bad use of its faculties, or not to make such use of them as it has a right to do. Such, in fact, has been the consequence of this evil principle admitted into the church, although it never had, and never could have, an unmixed and uncontrollable action.

The second evil principle was the right of coercion arrogated to itself by the church—a right contrary to the nature of a religious society, to the origin of the church itself, and to its primitive maxims—a right contested by several of the illustrious fathers of the church, Saint Ambrose, Saint Hilary, and Saint Martin—but which, nevertheless, was upheld, and became a predominant assertion. The pretension of forcing to believe—if we can put these two words together—or of physically punishing belief, as the persecution of heresy—that is to say, contempt for the legitimate liberty of human thought, is an error which was introduced into the church even before the fifth century, and has cost it dear.

If, therefore, we consider the church in its relations with the liberty of its members, we perceive that its principles in this respect were less legitimate and salutary than those which presided at the formation of the ecclesiastical power. We are not, however, to conclude that one evil principle radically vitiates an institution, nor even that it does all the mischief with which it is pregnant. Nothing falsifies history more than logic. When the human understanding has fixed upon an idea, it deduces therefrom all possible consequences; it makes it bring forth all that in pure possibility it could bring forth, and then represents it in history as attended by all these results. But matters do not come out after this fashion; events are not so prompt as the deductions of the human mind. There is in all things a mixture of bad and good so deep-seated and invincible, that when you dive to the most hidden elements of society or the mind, whatever portion you open out, you there find these two orders of things co-existent, developing themselves side by side, and struggling with, but not exterminating each other. Human nature never goes to the last limits either of good or bad; it passes unceasingly from one to the other, recovering itself when it seems nearest the fall, and faltering at the moment that its step seems firmest. We discover here once more that characteristic of discordance, variety, and strife, which I have already remarked as the fundamental characteristic of European civilisation.

There is, furthermore, a general fact illustrative of the government of the church of which it is necessary to take notice. At the present day, when the idea of a government, whatever may be its nature, presents itself to us, we feel that there is no longer any pretension of controlling aught else than the outward actions of men, and their civil relations amongst themselves; governments profess to go no farther. As to the human thought and conscience, morality, properly so called, or as to individual opinions and private manners, they do not interfere; those matters fall to the domain of liberty.

Now the Christian church did, or wished to do, directly the reverse. Human thought, human liberty, private manners, and individual opinions, were precisely what it endeavoured to rule over.

It did not make a code like other powers, to define the actions at once morally culpable and socially dangerous, and to award them punishment in proportion only as they bore this double character; but it set out a catalogue of all actions morally culpable, and, under the name of sins, it punished and acted on the design of repressing them all; in a word, the government of the church was not applied, like modern governments, to the outward man, and to the purely civil relations of men amongst themselves; it was applied to the inward man, to the thought and the conscience—that is to say, to what is held by man as most intimately his own, to what is most free and restive to constraint. The church, then, by the very nature of its enterprise, in combination with the tendency of some of the principles upon which its government was founded, was placed in peril of becoming tyrannical, and of using an illegitimate employment of force. But at the same time the force encountered an opposition which it could not vanquish. However little movement or scope may be left to them, human thought and love of liberty react energetically against every attempt to prostrate them, and repeatedly compel the very despotism which they endure to step down and abdicate its supremacy. This is what happened in the bosom of the Christian church. We have enumerated the proscription of heresy, the anathema upon the right of examination, the contempt for individual reason, and the principle of the imperative transmission of doctrines through those in authority. Yet scarcely a society is to be found in which individual reason has been more boldly developed than in the church. What are sects and heresies but the fruit of individual opinions? And these sects and heresies, and all this species of opposition encountered by the Christian church, afford incontestible proof of the moral life and activity which reigned in it; a troubled and painful life, strewed with dangers, errors, and crimes, yet noble and potential, and giving scope to the finest developments of intellect and opinion. But setting aside the opposition, and entering into the ecclesiastical government itself, we find it constituted and acting in a manner quite different to what some of its principles seem to have prescribed. It denied the right of examination, it wished to deprive individual reason of its liberty; yet it is to reason that it for ever addressed its appeals; liberty was actually its mainspring. What were its institutions and means of action? Provincial councils, national councils, œcumenical councils, a continual correspondence and an incessant publication of letters, admonitions, and other writings. Never did any government proceed to such an extent in the way of discussion and common deliberation. We might imagine ourselves in the schools of the Greek philosophy. And yet it was not a mere discussion or investigation of truth which was at issue; it involved questions of authority, of measures to adopt, of decrees to promulgate, a government in fact. But the energy of the intellectual life in the heart of this government was such, that it became the predominant and universal standard to which all others yielded, and the main fact displayed on all sides was the exercise of reason and liberty.

I am very far from concluding, on this account, that the evil principles which I have endeavoured to unfold as existing, in my opinion, in the system of the church, remained without effect. At the epoch which now engages our attention, they had already produced bitter consequences, and afterwards they were productive of much more disastrous results; but what I mean to affirm is, that they did not perpetrate all the mischief of which they were capable, and that they did not smother the good which was growing out of the same soil.

Such was the church considered in itself, in its internal state, in its nature. I proceed to its relations with sovereigns, the masters of temporal power. It is the second point of view under which I promised to consider it.

When the Empire fell, and instead of the old Roman system, instead of that government in the midst of which it had taken root, with which it had common feelings and long-formed ties, the church found itself exposed to those barbarous kings and chiefs roaming over the country or quartered in their castles, to whom no tie founded on a community of traditions, creeds, or sentiments, united it; the danger which impended over it was great, and of corresponding magnitude was its terror.

The idea which then seized predominantly upon the church was to gain possession of the new-

comers, or, in other words, to convert them. The relations between the church and the barbarians had scarcely any other object at first.

In order to captivate the barbarians, it was chiefly necessary to address their senses and imagination. Therefore we find that at this epoch the number, pomp, and variety of ceremonious rites were augmented. The chronicles prove that it was mainly by these means that the church acted upon the barbarians. She converted them by imposing spectacles.

When the barbarians were finally established and converted, and some ties formed between them and the church, it did not cease to incur great danger from them. The brutality and recklessness in the barbarian manners were such, that the new creed, and the sentiments with which it had inspired them, exercised very little sway over them. Violence soon reassumed the upper hand, and the church was a victim to it equally with the rest of society. As a means of defence, it proclaimed a principle formerly asserted, although more indefinitely, under the Empire —namely, the separation of spiritual from temporal power, and their reciprocal independence. By the aid of this principle it was that the church continued unmolested by the barbarians. The church maintained that force could have no action upon a system of religious articles, hopes, and promises, and therefore that the temporal world was completely severed from the spiritual.

The salutary consequences resulting from this principle are discernible at a glance. Independently of the temporary utility it was to the church, it had the inestimable advantage of placing on the basis of right the separation of the two powers, and of controlling them by means of each other. Furthermore, by sustaining the independence of the intellectual world in general, in its full extent, the church prepared the way for the independence of individual intellect and of thought. The church said that the system of religious belief could not fall under the yoke of force, so each individual was tempted to use the same language on his own account. The principle of free discussion or examination, and of liberty for individual thought, is exactly the same as that of the independence of the general spiritual authority with respect to the temporal power.

Unfortunately, it is an easy matter to pass from the want of liberty to the lust of dominion. The church exhibited a proof of it at this period. By a tendency natural to human ambition and pride, the church endeavoured to establish for the spiritual power not only independence, but supremacy over the temporal power. Yet we must not believe that this pretension had no other source than the failings of humanity; there were others still deeper, which it behoves us to inquire into.

When liberty reigns in the intellectual world, when the human thought and conscience are not subjected to a power which denies them the right of discussion and decision, and employs force to crush them—when, in fact, there is no visible and constituted spiritual government, arrogating and exercising the right of dictating opinions—then is the idea of the dominion of a spiritual order over a temporal impossible. Such is pretty nearly the present state of the world. But when there exists, as in the tenth century did exist, a government of the spiritual order; when thought and conscience come under laws, institutions, and powers, which assert a right to command and coerce them; in a word, when the spiritual power is constituted, when it has taken effective possession, under the sanction of right and of force, of human reason and conscience, it is natural that it should be tempted to lay claim to dominion over the temporal order, and that it should exclaim, 'How! I have right and sway over what is most lofty and independent in man—over his reason, his inward will, his conscience—and shall I not have right over his outward, material, and fleeting interests? I, who am the interpreter of justice and truth, shall I be debarred from regulating earthly matters according to justice and truth?' By the mere provocative of this reasoning, the spiritual order was sure to be urged into an invasion of the temporal order. And this was still more certain when the spiritual order monopolised all the developments of the human mind then possible: there was but one science, theology; but one spiritual order, the theological: all the other sciences, rhetoric, arithmetic, even music, everything was comprised in theology.

The spiritual power thus finding itself at the head of the whole activity of the human brain, naturally fell into a self-assumption of the general government of the world.

A second cause was equally powerful in urging it to this appropriation—namely, the frightful state of the temporal order, and the violence and iniquity which prevailed in the temporal government of all communities.

We can speak of the rights of the temporal power without difficulty; but at the epoch under review, the power in question was a mere brute force, an intractable ruffianism. The church, however imperfect its notions of morals and of justice might still be, was infinitely superior to such a government, and the cry of the people was continually raised, beseeching it to take its place. When a pope or a few bishops proclaimed a sovereign denuded of his rights, and his subjects freed from the oath of fidelity, such an intervention, although doubtless open to serious abuses, was often in particular cases legitimate and salutary. In general, whenever liberty has been wanting to mankind, its restoration has been the work of religion. In the tenth century, the people were not in a state to defend themselves, or to make their rights available against civil violence, and religion came to the rescue in the name of Heaven. This is one of the reasons which have mainly contributed to the victories of the theocratic principle.

There is a third cause for the arrogation of the spiritual order, which has been too little noticed, arising out of the complexity in the situation of the chiefs of the church, and the variety of aspects under which they appeared in society. On the one hand they were prelates, members of the ecclesiastical order, part and parcel of the spiritual power, and by right thereof independent; on the other they were vassals, and, as such, engaged in the bonds of civil feudalism. And, furthermore, they were not only vassals, but also subjects: some portion of the old relations of the Roman emperors with the bishops and clergy had passed into those formed between the priesthood and the barbarian kings. By a series of causes which it would be too tedious to develop, the bishops had been led to regard, to a certain extent, the barbarian sovereigns as successors of the Roman emperors, and to attribute to them all their prerogatives. The chiefs of the clergy had therefore a triple character—an ecclesiastical character, and, as such, independent; a feudal character, and, as such, bound to certain duties, and holding by certain services; and the character of a simple subject, and, as such, held to obey an absolute sovereign. Now, the temporal sovereigns, who were not less greedy or ambitious than the bishops, frequently availed themselves of their rights as lords or sovereigns to encroach upon the spiritual independence, and to possess themselves of the presentation to benefices, the nomination to bishoprics, &c. On their side, the bishops often intrenched themselves behind their spiritual independence, to get rid of their obligations as vassals or subjects. In this manner there was an almost inevitable tendency leading the sovereigns, on the one hand, to destroy the spiritual independence; and the chiefs of the church, on the other, to make that independence an instrument to work out universal dominion.

This result has been illustrated by facts notorious to all, as in the disputes concerning investitures, and the struggles between the priesthood and the empire. The distinct positions of the chiefs of the church, and the difficulty of reconciling them, have been the real source of the uncertainty and the contests with regard to these pretensions.

Finally, the church had a third relation with the sovereigns, the least favourable, and the most disastrous, for itself: it laid claim to coercion, to the right of repressing and punishing heresy: but it had no means to effect this; it had no physical force at its disposal; so that when it had condemned heresy, it was unable of itself to put its judgment in execution. In this strait it invoked what was called the secular arm; in other words, it borrowed the force of the civil power as a means of coercion. In consequence, it placed itself, with regard to the civil power, in a situation of dependence and inferiority. Such was the deplorable necessity to which the adoption of the evil principle of coercion and persecution reduced the church.

There remains to be considered the relations of the church with the people, which I shall enter upon in the next lecture, as well as such other questions as arise out of this branch of our inquiry.

Lecture VI.
Relations Of The Church With The People.

I have preliminarily laid down that the church ought to be considered under three principal aspects: firstly, in itself, in its internal constitution, in its nature, and as a distinct and independent society; secondly, in its relations with sovereigns and the temporal power; and finally, in its relations with the people. We have accomplished the two first divisions of this task, and I now proceed to the last. I shall subsequently endeavour to draw from this triple examination a general appreciation of the influence of the church upon European civilisation from the fifth to the twelfth century. I shall then verify my assertions by an epitome of facts, by the history of the church at that epoch.

In speaking of the relations of the church with the people, I am of course obliged to restrict myself to very general terms. I cannot enter into a detail of the usages of the church, or of the every-day relations of the clergy with the faithful. The predominant principles, and the great results of the system, and of the conduct of the church towards the Christian people, are what I concern myself with.

The main characteristic, and the radical vice (for so it must be called) of the relations of the church with the people, was the separation of the governing and the governed, the non-influence of the governed over their government, the independence of the Christian clergy, with reference to the body of the faithful.

This evil must have been provoked, one would imagine, by the state of man and of society, for it was introduced into the Christian church at a very early date. The separation was not fully consummated at the era we are contemplating, as upon certain occasions, the elections of bishops, for instance, there was still an occasional direct interference by the Christian flocks in their government. But such efforts were weak and rare; and even from the second century of our era, this intervention had commenced a visible and rapid decline. A tendency to the isolation and independence of the clergy is in some degree the burden of church history from its dawn.

It cannot be denied that from this circumstance has arisen the major part of the abuses which, at this period, and still more at a later date, have so injured the church. We must not, however, impute them absolutely to it, or regard this tendency to isolation as peculiar to the Christian clergy. There is, in the very nature of a religious society, a strong inclination to raise the government far above the governed, and to attribute to the former something distinct and holy. It comes from the mission itself with which they are charged, and from the character under which they offer themselves to the eyes of the multitude. Yet this result is more baneful in a religious society than in any other. What is at stake to the governed? Their reason, their conscience, their immortal destiny—that is to say, such considerations as are most strictly inward, most individual to each, and most incapable of thraldom. We can, to a certain extent, imagine that, although some evil may result from it, mankind may abandon to a visible authority the direction of their material interests and temporal destiny. We can understand the philosopher who, on being informed that his house was on fire, answered, 'Go and tell my wife: I have nothing to do with the affairs of the household.' But when the matter at issue is conscience, thought, the inward moral existence, for men to abdicate the government of themselves, and to give themselves up to a foreign sway, is an actual moral suicide, a servitude a hundred times more abject than can befall the body, or than that endured by the tethered serf.

Such, nevertheless, was the evil which overbore the church in its relations with the faithful, though its weight became alleviated, as I shall hereafter demonstrate. We have already seen, that for the clergymen themselves, and in the heart of the church, liberty had no guarantee. For laymen, and outside the church, the matter was much worse. Amongst ecclesiastics, there was at all events discussion, deliberation, and a deployment of individual faculties; with them the excitement of dispute supplied in some sort the lack of liberty. But there was nothing of this description between the clergy and the people. The laymen assisted in the government of the church as simple spectators. And thus we perceive that idea so early vegetate and expand, that theology, or religious questions and affairs, are the privileged domain of the clergy, that the clergy alone have a right to decide, or even to canvass them, and that on no account, or under any pretence, ought laymen to interfere. At the era under review this theory was already in full blossom; and it has required ages and terrible revolutions to subdue it, and to bring back, even partially, religious questions and science to the public domain.

Therefore, in principle as well as in fact, the legal separation of the clergy and the Christian people was nearly complete before the twelfth century.

In spite of this, however, the Christian people were not without influence, even at this epoch, upon their government. Legal interference was wanting to it, but not influence. In fact its extinction is scarcely possible in any government, much less in one founded upon articles of belief common to the governing and the governed. Whenever an actual community of ideas is developed, or an intellectual movement of the same order is participated by both government and people, a bond necessarily exists between them which no viciousness in the organisation can utterly break. To give a clear explanation of my meaning, I will take an example from our own history of the political cast. At no date in the history of France have the French people had less legal control over their government, by means of institutions, than in the seventeenth and eighteenth centuries, under Louis XIV. and Louis XV. Every one knows that almost all the direct and official interference of the country, in the exercise of authority, had died away at those periods. Yet there is no doubt that the public and the country then exercised much more influence over the government than at other times—in those, for instance, in which the States-General were frequently convoked, in which the parliaments took considerable part in politics, and in which the legal participation of the people with power was unquestionably greater.

It is because there is a force which laws do not entomb, and which, upon occasion, can shake off the burden of institutions, the force of ideas, of public intelligence and opinion. In the France of the seventeenth and eighteenth centuries, there was a public opinion much more potential than at any other epoch. Although it was debarred from legal means of acting on the government, it acted indirectly, by the sway of ideas common to the governing and the governed, and by the impossibility experienced by the rulers to set at nought the opinion of society. A similar fact occurred in the Christian church of the fifth to the twelfth centuries: the Christian people, it is true, were deficient in means of legal action, but there was a great mental movement in religious matters, which operated conjointly upon laymen and ecclesiastics, and gave means of action to the people upon the clergy.

In studying history, it is essential to set great value upon indirect influences in all things, for they are much more efficacious, and sometimes more salutary, than are commonly represented. It is natural for men to wish that their action should be prompt and palpable, and to derive pleasure from taking part in their own success, power, and triumph. But this is not always possible, nor even useful. There are times and situations in which indirect and imperceptible influences are alone advantageous and practicable. I will again adduce an example of the political order. More than once, in 1641 especially, the English parliament has claimed, like many other assemblies in analogous cases, the right of directly nominating the great officers of the crown, the ministers and councillors of state, &c. regarding this direct interference in the government as a great and precious guarantee. It has sometimes exercised this privilege, and the experiment has always met with bad success. Yet what takes place now in England? Is it not the influence of the two

houses of parliament which decides the formation of the ministry, and the nomination of all the great officers of the crown? Certainly; but it is an indirect and general influence, instead of a special intervention. The result for which England has long laboured is produced, but by another course; the first had never worked beneficially.

There is a reason for this, upon which I shall linger for a moment. The direct action requires, in those to whom it is confided, an unusual share of enlightenment, sound sense, and prudence: as they aim at reaching their point at once, and without delay, they have good need of caution, lest their enterprise be ill-timed, and fail. Indirect influences, on the contrary, encounter obstacles ere they come into play, and undergo trials which test and rectify them: before succeeding, they are subjected to discussion, opposition, and restriction: their triumph is slow, and upon conditions, in a certain degree. Therefore, when the minds of men are not sufficiently advanced and ripened to render the direct action secure, indirect and mitigated influences are preferable. It was thus that the Christian people acted on their government, very incompletely, and far too stintedly, I am aware, yet they certainly did act.

There was likewise another cause of reconcilement between the church and laymen, existing in the dispersion, so to speak, of the Christian clergy amongst all the conditions of society. Almost everywhere, when a church has been constituted independent of the people whom it governed, the body of priests has been formed of men nearly in the same situation; not that marked inequalities did not prevail amongst them; but still, upon the whole, the power has been vested in colleges of priests, living in community, and governing, from the depths of a temple, the people bowing under their yoke. The Christian church was quite differently organised. From the miserable hut of the boor or serf, at the foot of the feudal castle, to the palace of the king, there was throughout society a priest or member of the clerical body. Clergymen were associated to all conditions of men. This diversity in the situation of the Christian priests, this sharing in all fortunes, has been a great principle of union between the clergy and laymen, which has been entirely wanting to the majority of churches invested with power. The bishops and chiefs of the Christian church were furthermore, as has been previously mentioned, mixed up with the feudal organisation, and were members of the civil as well as of the ecclesiastical hierarchy. Hence arose common interests, usages, and manners, between the civil and religious orders. It has been judged scandalous, and reasonably, that bishops waged war, and that priests led the life of laymen. Assuredly it was a great abuse, and yet one infinitely less disastrous than was elsewhere the existence of those priests who never issued out of the temple, and who were altogether separated from the people in their course of life. The bishops, who took part, to a certain extent, in the civil disorders, were of more avail than priests, complete strangers to the population, its affairs, and its manners. In this respect there was a parity of destiny and situation between the clergy and the people, which, if it did not correct, certainly lessened, the evil of the separation between the rulers and the governed.

Now, this separation being admitted, and its limits and countervailing influences determined, let us next inquire how the church governed, in what manner it acted upon the populations subject to its empire; what it effected, on the one hand, for the development of the man, for the moral advancement of the individual, and, on the other, for the amelioration of the social state.

To speak the truth, I do not believe that, at the era in question, the church concerned itself greatly about the development of the individual. It endeavoured to inspire the powerful in the world with milder sentiments, and to induce them to act with more justice in their relations with the weak; and it taught the oppressed to lead a moral life, and to indulge in sentiments and hopes of a loftier order than those to which their immediate destiny condemned them. Yet for individual development, properly so called, for imparting value to the personal nature of men, I do not believe that the church then did much, at least so far as laymen were concerned. What it did was confined to the ecclesiastical society itself; it made great exertions for the development of the clergy, for the instruction of priests; for them it had schools, and all the institutions which the deplorable state of society allowed. But they were ecclesiastical schools, appointed for the

instruction of the clergy alone, and, with their exception, the church acted indirectly, and by very slow means, towards the progress of ideas and manners. It doubtless gave a stimulus to general mental activity by the career it proffered to all those whom it judged capable of serving it; but that was pretty nearly all it did, at that period, for the intellectual development of the laity.

It had a greater influence, and acted in a more efficacious manner, towards the amelioration of the social state. It resolutely struggled against the great vices of the social state—for example, against slavery. It has been often asserted that the abolition of slavery in modern Europe was exclusively owing to Christianity. I think that is saying too much. Slavery long existed in the heart of the Christian society, without greatly exciting its astonishment, or drawing down its anathema. A multitude of causes, and a great development in other ideas of civilisation, were required to eradicate this evil of evils, this iniquity of iniquities. Yet it is indubitable that the church employed its influence in restraining it. There exists an unquestionable proof of this fact. The greater part of the formulas of enfranchisement, made out at different eras, are founded upon a religious motive; it is upon the invocation of religious ideas, of hopes of eternal bliss, and of the equality of men in the eyes of Heaven, that the enfranchisement is almost invariably pronounced.

The church laboured likewise for the suppression of a great many barbarous practices, and for the amelioration of the criminal and civil legislation. Although containing certain principles of liberty, the laws were absurd, and fruitful of injustice; the most stupid ordeals, the judicial combat, and the unsupported oaths of a specified number of men, were esteemed the only means of arriving at the discovery of truth. The church strove to have more rational and legitimate means substituted. I have already spoken of the difference observable between the laws of the Visigoths, derived principally from the councils of Toledo, and the other barbarian laws. It is impossible to compare them, without being struck with the immense superiority of the ideas of the church on the subject of legislation and the administration of justice, in all that relates to the investigation of truth and of what is befitting to man. Doubtless most of these ideas were borrowed from the Roman legislation; but if the church had not preserved and asserted them, and done its utmost to propagate them, they would certainly have perished. For example, the employment of the oath in process is wisely regulated in the law of the Visigoths.

'Let the judge, in order fully to understand the cause, first interrogate the witnesses, and then examine the writings, so that the truth may be discovered with more certainty, and the oath not too lightly administered. A determination according to truth and justice requires that the writings on both sides be carefully examined, and that the necessity for the oath, kept in suspense over the heads of the parties, come upon them unexpectedly. Let the oath be administered only in causes in which the judge shall not succeed in discovering any writing, any proof, or any certain clue to the truth.'—(For. Jud. 1. ii. tit. i. 1. 21.)

In criminal matters, the relation of the punishments to the offences is determined according to philosophical and moral notions, of singular justness. The efforts of an enlightened legislator struggling against the violence and irreflectiveness of the barbarian manners, are clearly distinguishable. The enactments under the title or head of '***Cœde et morte hominum***'—['Of the slaying and death of men'], compared to those of a correspondent nature in use amongst other nations, is a very remarkable example of these characteristics. In other codes, it is almost exclusively the damage which is held to constitute the crime, and the penalty is comprised in that tangible reparation which results from a principle of composition. But here the crime is reduced to its moral and true element, intention. The different shades of criminality, the purely involuntary homicide, accidental homicide, justifiable homicide, and homicide with or without premeditation, are distinguished and defined almost as well as in our codes, and the punishments vary on a very equitable scale. The legislator has rendered justice more indiscriminate; he has attempted, if not to abolish, at least to lessen, that diversity in the legal value of men established by the other barbarian laws. The only distinction he has maintained is that of the free man and the slave. With regard to free men, the punishment is not varied either according to the national origin, or according to the rank of the defunct, but simply according to the different degrees of moral

culpability in the murderer. With regard to slaves, not venturing to completely deprive masters of the right of life and death, attempts are at all events made to restrain it, by making it subject to a public and regular process. The text of the law deserves to be cited.

> 'If no malefactor or accomplice in a crime ought to remain unpunished, how much more ought he to be put down who commits murder wickedly and trivially! Thus, as masters in their pride frequently put their slaves to death without any fault on their parts, it is expedient to utterly abrogate this license, and to ordain that this law shall be for ever observed by all. No master or mistress shall be allowed to inflict death, without public judgment, upon any of their slaves, male or female, or upon any person dependent upon them. If a slave or any other servant commits a crime which may subject him to capital punishment, his master or his accuser shall immediately make it known to the judge of the place where the action has been committed, or the count, or the duke. After investigation into the matter, if the crime is proved, let the guilty undergo, either through the judge or his own master, the sentence of death he has deserved; provided that, if the judge will not put the criminal to death, he shall draw up in writing a capital sentence against him, and then it shall be in the discretion of the master to slay him or to spare his life. At the same time, if the slave, by a fatal audacity, offering resistance to his master, has struck him, or attempted to strike him, with a weapon, a stone, or any other thing, and if the master, endeavouring to defend himself, has slain the slave in his anger, he shall not be at all held amenable to the penalties of homicide. But it shall be necessary to prove that the fact has thus happened, and that by the testimony or oath of the male or female slaves who were present, and by the oath of the perpetrator himself. Whoever, from pure wickedness, by his own hand, or by that of another, shall kill his slave without public judgment, shall be declared infamous, and incapable of appearing as a witness, condemned to pass the rest of his life in exile and penitence, and his possessions fall to his next of kin, to whom the law accords the inheritance.'—(For. Jud. 1. vi. tit. v. 1. 12.)

In the institutions of the church there was an article which has been hitherto very little noticed—namely, its penitential system. The study of this system is rendered much more interesting at the present day, since it is almost completely in accordance with the ideas of modern philosophy as to the principles and objects of the penal law. If we investigate the nature of the punishments used by the church, of the public penances which were its principal mode of inflicting chastisement, we shall find that their main design was to excite repentance in the mind of the criminal, and moral terror by the example in the beholders. There was also another idea mixed up with it—that of expiation. In a general point of view, I do not know if it be possible to separate the idea of expiation from that of punishment, and if there be not in every punishment a hidden and imperative demand for the expiation of the wrong committed, independently of the design of leading the guilty to repentance, and of scaring those who might be tempted to fall into crime. But putting aside this question, it is quite clear that repentance and example were the objects proposed by the church in its penitential system. Are these not also the objects of truly philosophic legislation? Have not the most enlightened jurists of the last age, and of our own days, advocated reform in the European penal legislation, upon the allegation of these very principles? Look at their works—look at those of Bentham, for example—and you will be surprised at the numerous resemblances you will find between the penal modes proposed by them and those employed by the church. They most certainly did not borrow them from her, nor could she have foreseen that her example might be one day adduced in aid of plans propounded by the least devout of philosophers.

By all sorts of methods the church likewise strove to repress the tendency of society to violence and continual wars. Every one is aware that it was by 'the truce of God,' and numerous measures of the same nature, that the church struggled against the employment of force, and devoted itself to introduce into society a greater degree of order and mildness. These facts are so well known, that I am spared the trouble of entering into any detail. [Footnote 9]

> [Footnote 9: As many readers of this edition may not be such perfect masters of these facts as M. Guizot's auditory, it may be permitted the translator to mention, that the first volume of Robertson's History of Charles V. will be found the best expositor of these and other references which may not be familiar to the reader.]

Such are the principal points which I have to bring forward regarding the relations of the church with the people. We have now considered it under the three aspects which I first announced, and gained a knowledge of it both within and without, both in its internal constitution, and in its twofold outward position. It now remains to apply our knowledge to decide, by means of induction and conjecture, its general influence upon European civilisation. This is a labour almost accomplished, or at least much advanced, as the simple announcement of the predominant facts and principles in the church reveals and explains its influence; the results have in some sort already passed before us with the causes. However, in summing them up, we are led, I think, to two general conclusions.

The first is, that the church must necessarily have exercised a very considerable influence upon moral and intellectual order in modern Europe, and upon public ideas, sentiments, and manners. That the fact is unquestionable, is proved by the moral and intellectual development of Europe being essentially theological. A survey of history from the fifth to the sixteenth century exhibits theology possessing and directing the human understanding, and giving its impress to all opinions: philosophical, political, and historical questions, were all considered under a theological point of view. The church was so supreme in the intellectual order, that even mathematical and physical sciences were held to be subject to its doctrines. The theological spirit was, as it were, the blood which flowed in the veins of the European world, until Bacon and Descartes—Bacon in England, and Descartes in France—were the first to carry intellect out of the beaten tracks of theology.

The same fact is found in all branches of literature; theological modes of thought, feeling, and

expression, are displayed at every step.

Upon the whole, this influence was salutary. Not only did it keep up, and render productive, the intellectual movement in Europe, but the system of doctrines and precepts, under sanction of which it imparted the movement, was very superior to anything that the ancient world had known. Movement and advancement existed at one and the same time.

The situation of the church, furthermore, has given an extension and variety to the development of the human mind which it never had previously. In the East, intellectual progress was altogether religious; in the Greek society it was almost exclusively human; in the one, humanity, properly so called, its actual nature and destiny, completely disappeared; in the other, it was man himself, his immediate passions, sentiments, and interests, which occupied the whole stage. In the modern world, the religious spirit has mingled with all things, without excluding any. Modern intelligence is impressed at once with humanity and divinity. Human sentiments and interests hold a material place in our literatures, and yet the religious character of man—that portion of his existence which is directed to another world—appears at every step therein; insomuch that the two great sources of the development of man, humanity and religion, have flowed abundantly, and at the same time; so that, in spite of all the evil and all the abuses mixed up with it, in spite of all its acts of tyranny, in an intellectual point of view the church has exercised an influence more calculated for development than repression, for expansion than contraction.

In a political point of view, the matter is very different. There can be no doubt that by softening feelings and manners, by decrying and suppressing a great number of barbarous practices, the church powerfully contributed to the amelioration of the social state; but in the political order, as properly defined, in that which affects the relations of government with subjects, of power with liberty, I do not believe that, upon the whole, its influence has been beneficial. Under this head the church has always come forward as the interpreter and defender of two systems—the theocratical and the imperial—that is to say, of despotism, sometimes under a religious form, sometimes under a civil form. Taking all its institutions, its entire legislation—taking its canons, and its modes of procedure—the principle of theocracy, or of the old empire, is throughout found predominant. When weak, the church sheltered itself under the absolute power of the emperors; when strong, it claimed that absolutism on its own account, on the plea of its spiritual power. We need not linger in adducing facts or particular cases. There is no question that the church often invoked the rights of the people against the bad government of the sovereigns; it often even approved of, and stimulated, insurrections; and it likewise frequently advocated, in its intercourse with the sovereigns, the rights and interests of the people. But whenever the question of political guarantees has arisen between power and liberty, whenever attempts have been made to establish a system of permanent institutions, which might truly and effectually shelter liberty from the encroachments of power, the church has generally ranged itself on the side of despotism.

There is no occasion for much astonishment at this, or to charge upon the clergy an undue proportion of human weakness, or to imagine it a vice peculiar to the Christian church. It has a much deeper and more powerful origin.

What does every religion lay claim to? The governance of human passions and of human will. Every religion is a curb, a power, a government. It comes in the name of divine law to subdue human nature. Therefore human liberty is its especial antagonist, which it is its object to vanquish. To this purpose is its mission and hope directed.

But although religions have to struggle with human liberty, and although they aspire to cast the will of man in a new mould, at the same time they have no other moral means of acting upon man than what he himself supplies, than his own will and liberty. When they act by outward means, as by force or seduction—in other words, by means other than the free concurrence of man— they treat him as we would one of the elements, water or wind, as a purely physical or material power; and they fail in their object, for they do not thereby reach or influence the

inclination. For religions really to accomplish their task, it is necessary that man yields himself up to them, but voluntarily and of his own free will, and that he preserves his liberty even amidst his submission. Religions are thus called to solve a double problem.

This they have too often overlooked. They have considered liberty as an obstacle, and not as a means; they have forgotten the nature of the force to which they were to address themselves, and have acted with the human soul as with a material object. It is in consequence of this error that they have been led to range themselves on the side of power or despotism against human liberty, regarding it only as an adversary, and straining much more to subdue it than to procure it guarantees. If religions had well considered their means of action, if they had not given way to a natural but deceitful tendency, they would have discovered that their province was to strengthen liberty, in order morally to control it, that religion can, and ought to act only by moral influences; and they would have respected the free will of mankind, whilst applying themselves to direct it. This they have not done, and in the end the religious influence has itself suffered as much as liberty.

I will not go further with the examination into the general consequences of the influence of the church upon European civilisation. I sum them up in this twofold result—a great and salutary influence upon the intellectual and moral development; an influence more disastrous than beneficial upon the political order of things, properly so called. We have now to test our assertions by facts, and to verify by history what we have deduced from the mere nature of the ecclesiastical society, and the situation occupied by it. Let us see what was the condition of the Christian church from the fifth to the twelfth century, and whether, in fact, the principles which I have laid down, and the results I have endeavoured to draw from them, were such in their development as I have ventured to surmise.

We are not to believe that these principles and consequences have all appeared at once, and as connectedly as I have presented them. It is a signal, and yet a very common error, when contemplating the past at the distance of many centuries, to forget with a singular obliviousness that history is essentially successive. Take the life of a man, of Cromwell, Gustavus Adolphus, or Cardinal Richelieu. He enters upon his career, and marches forward; great events influence him, he influences great events; finally he reaches the goal. Then we know him, but in his entirety, such as long experience and varied events have made him. [Footnote 10]

> [Footnote 10: The original is not strictly followed in this phrase. M. Guizot gives vent to the following conceit:—'Tel qu'il est sorti en quelque sorte, après un long travail, de l'atelier de la Providence.']

Now, at starting he was not what he thus became, nor at any single period of his life was he complete and fully fashioned: his development was by a successive process. Men have a moral growth as well as a physical: every day brings its change: their being is perpetually undergoing modifications. The Cromwell of 1650 was not the Cromwell of 1640. There is, of course, always a certain individuality at bottom—it is the same man who works his way; but how changed are his ideas, his feelings, his designs! How many things were lost and acquired! In a word, whatever moment we may select in the life of a man, there is none in which he was such as we behold him when its term is reached.

Nevertheless, the majority of historians have fallen into error upon this point. Because they have acquired a complete idea of a man, they see him such during the whole course of his career: to them it is the same Cromwell who entered parliament in and who died thirty years afterwards in Whitehall palace. And with regard to institutions and general influences, the same mistake is incessantly committed. Let us take care to avoid it. I have sketched in their whole bearing the principles of the church and their consequences, but historically the picture is not correct. The whole has been partial, successive, distributed here and there over space and time. Our entirety, our prompt and systematic concatenation, will not be found in the recital of actual facts. Here one

principle shoots forth, there another; all is incomplete, dissimilar, and scattered; and it is only by coming to modern times, to the end of the career, that the whole result is perceived.

I shall proceed to represent the different states through which the church passed from the fifth to the twelfth century. I thereby go to the fountain head; and if I fail in the complete demonstration of the assertions that I have thrown out, yet perhaps enough will be shown to evince them warrantable.

The first state in which the church is found in the fifth century is that of the imperial church, the church of the Roman Empire. At the period the Roman Empire fell, the church was indulging in the idea that her mission was accomplished, her triumph assured. She had then completely vanquished paganism. The last emperor who had assumed the office of ***pontifex maximus***, a pagan dignity, was the Emperor Gratian, who had died at the end of the fourth century. She likewise believed herself at the end of her contest with heretics, especially with the Arians, the principal heretics of the day. The Emperor Theodosius had drawn up against them a peculiar and stringent body of laws at the end of the fourth century. The church, therefore, was in possession of the government, and had triumphed over her two greatest enemies. She was in this prosperous state when the Roman Empire suddenly failed her, and she found herself opposed to other pagans and heretics in the shape of the barbarians, as the Goths, Vandals, Burgundians, and Franks. It was a prodigious fall. It may be easily imagined that a warm attachment for the Empire must have been preserved in the bosom of the church. Thus we see her steadily adhere to what remained of it, the municipal system and absolute power; and when the barbarians were converted, the church attempted to resuscitate the Empire. She addressed herself to the barbarian kings, and besought them to declare themselves Roman emperors, to assume all the rights formerly held by them, and to enter into the same relations with the church as she had had with the Roman Empire. It was especially to this point that the bishops of the fifth and sixth centuries laboured, and they imparted the general feature to the whole church.

It was impossible for this attempt to succeed. There were no means amongst the barbarians to reconstitute the Roman society. Like the civil world around it, therefore, the church itself fell into barbarism. That was its second state. When a comparison is made between the writings of the ecclesiastical chroniclers of the eighth century, and of those in the preceding ages, an immense difference is found. Every vestige of Roman civilisation disappeared, even to the language, and barbarism was at its very acme. For, on the one hand, barbarians entered into the clerical order, and became priests and bishops; and on the other, bishops adopted the barbarian life, and without quitting their bishoprics, constituted themselves chiefs of banditti, roaming over the country, pillaging and fighting, like the companions of Clovis. Gregory of Tours mentions several bishops who passed their lives after this fashion.

Two important facts, nevertheless, received their development in the bosom of this barbarian church. The first was the separation between the spiritual and temporal powers, which principle took its stand at that epoch, as a natural consequence of the state of things. The church not having succeeded in resuscitating the absolute power of the Roman Empire, so as to gain a share of it for herself, was driven to seek safety in independence. She was called upon to defend herself on every side, for she was incessantly threatened. The bishops and priests saw their barbarian neighbours interfere every instant in the affairs of the church, in order to seize upon her riches, her lands, and her power, and they had no other means of defending themselves than alleging—'The spiritual order is completely separated from the temporal, and you have no right to intervene in its affairs.' This principle became the defensive weapon of the church against barbarism in all quarters.

The second important fact which belongs to the same epoch, is the development of the monastic order in the West. It was at the commencement of the sixth century that Saint Benedict instituted his order amongst the monks of the West, who were then very few in number, but who subsequently multiplied prodigiously. The monks were not, up to that period, members of the

clerical body, but were still regarded as laymen. No doubt priests and even bishops had been sought out amongst them; but it was not until the end of the fifth, and the beginning of the sixth century, that the monks in general were considered as forming part of the clergy, properly so called. After that, matters were reversed; priests and bishops became monks, conceiving that they thereby made a new progress in the religious life. Thus the monastic order took all at once an excessive development in Europe. The monks struck the imagination of the barbarians more forcibly than the secular clergy; their numbers, as well as the singularity of their lives, had an imposing effect upon them. The secular clergy, indeed—the bishop and the simple priest—were less reverently looked upon by the barbarians, accustomed as they were to see, maltreat, and despoil them. An attack on a monastery, on so many holy men congregated in one holy place, was a much more serious affair. Thus the monasteries were, during the barbarian epoch, places of asylum for the church, as she herself was a resort for refuge to the laity. Pious men flocked to them for shelter, as in the East they fled to the Thebaide to escape a worldly life and the contamination of Constantinople.

Such are the two great facts which appertain to the barbarian epoch in the history of the church: on the one hand, the development of the principle of the separation between the spiritual and temporal powers; and on the other, the development of the monastic system in the West.

Towards the end of the barbarian epoch, there was a new attempt to resuscitate the Roman Empire made by Charlemagne. The church and the civil sovereign contracted once more a strict alliance. It was a period of great docility, and therefore of great advancement to the Papacy. The attempt at resuscitation again failed; the Empire of Charlemagne fell, but the advantages that the church had drawn from its alliance remained with her. The Papacy was definitively planted at the head of Christianity.

After the death of Charlemagne, chaos came again; the church relapsed into it as well as civil society, and emerged in like manner to enter into the frame of feudalism. This was its third state. The dissolution of the Empire of Charlemagne produced in the ecclesiastical order almost the same effect as in the civil—the complete disappearance of unity, a break-up into local, partial, and individual distributions. This situation of the clergy, then, originated a struggle not previously known up to that period—namely, the struggle between the sentiments and interests of a fief-holder and those of a priest. The chiefs of the church were between these two temptations, each striving for the mastery; the ecclesiastical spirit was no longer so powerful or universal, private interest had more charms, whilst the taste for independence, and the habits of a feudal life, relaxed the bonds of the ecclesiastical hierarchy. An attempt was made in the bosom of the church to avert the effects of this relaxation, and by a system of federation, by means of general assemblies and deliberations, to organise in various quarters national churches. It is at this epoch, under the feudal system, that we perceive the greatest number of councils and convocations, of provincial and national ecclesiastical assemblies, held. This essay at unity appears to have been especially followed out in France. Hincmar, archbishop of Rheims, may be considered as the chief organ of this idea; he was constantly engaged in the labour of organising the French church; he sought out and employed all the means of intercourse and correspondence which might restore some portion of unity to the feudal church. Hincmar maintained, on the one hand, the independence of the church with regard to the temporal power, and on the other, its irresponsibility to the Papacy. It was he who, knowing that the Pope wished to come into France, and threatened to excommunicate some bishops, said, '***Si excommunicaturus venerit, excommunicatus abibit***' ('If he come here to excommunicate, he shall go back with an anathema at his own head.')

But the endeavour thus to organise the feudal church, had no better success than the previous one to restore the organisation of the imperial church. There were no means available to reestablish unity in that church. Its disorganisation was continually increasing. Each bishop, prelate, and abbot, isolated himself more and more in his diocese or in his monastery. Disorders multiplied from the same cause. This period was distinguished for the greatest abuses of simony,

for the completely arbitrary disposition of ecclesiastical benefices, and for the most deplorable corruption of manners amongst the priests.

These disorders were extremely revolting both to the people and the better-minded portion of the clergy. Hence we see that at an early date a spirit of reform arose in the church, and a desire to find some authority competent to rally the stray elements and give them law. Claude, bishop of Turin, and Agobard, archbishop of Lyons, made some attempts of this sort in their respective dioceses; but they were in no condition to accomplish so great a work. There was only one force within the church itself which could succeed in such an object, and that was the court of Rome, the Papacy. In consequence, it was not long in becoming predominant. In the course of the eleventh century the church passed to her fourth state, that of a theocratical and monastical church. The creator of this new form assumed by the church, so far as it belongs to a man to create, was Gregory VII.

We are accustomed to regard Gregory VII. as a man who strove to render all things stagnant, as an adversary of intellectual development and of social progress, as a man, in fact, who laboured to retain the world in a stationary or retrograding system. No idea can be less correct; Gregory VII. was a reformer by means of despotism, like Charlemagne and Peter the Great. He was in the ecclesiastical order pretty nearly what Charlemagne in France and Peter the Great in Russia were in the civil order. His object was to reform the church, and, through her, civil society—to introduce into them a greater degree of morality, justice, and regularity; and this he wished to effect through the Holy See, and to its advantage.

At the same time that he endeavoured to subject the civil world to the church, and the church to the Papacy, in the spirit of reform and advancement, and not of stagnation or retrogression, an attempt of the same nature was made, a similar movement was produced, in the cloisters of the monasteries. A desire for order, discipline, and rigid morality was zealously manifested. It was the period in which Robert de Molême introduced a severe order at Citeaux, it was the era of St. Norbert, and the reform of the prebendaries, of the reform of Cluny, and finally of the great reform of St. Bernard. A general ferment reigned in the monasteries; the old monks stood up in their own defence, asserted innovation to be a thing of evil, proclaimed their liberty infringed upon, maintained that the people ought to rest satisfied with the manners of the age, that it was out of the question to return to the primitive strictness of the church, and treated all these reformers as madmen, dreamers, and tyrants. Look at the history of Normandy by Orderic Vital, and these complaints will be found unceasingly urged.

All, therefore, seemed turning to the advantage of the church, to its unity and power. But whilst the Papacy was striving to clutch the government of the world, and the monasteries were reforming themselves in a moral point of view, a few vigorous-minded, although isolated, men asserted the right of human reason to be considered of some value, and to take part in the constitution of opinions. The majority of them did not attack the received doctrines, the articles of religious belief; they merely said that reason had a right to investigate them, and that it was not sufficient that they were affirmed by authority. John Erigena (Scotus), Roscelin, and Abelard—these were the advocates by whom individual reason recommenced to claim its inheritance; these were the first authors of the movement made for liberty, which was contemporaneous with the movement for reform made by Hildebrand and St. Bernard. When we inquire into the predominant character of this movement, we perceive it was not a change of opinion, or a revolt against the public articles of faith, but merely an assertion of the right of reason to exercise its functions. The scholars of Abelard asked him, as he tells us himself in his 'Introduction to Theology,' 'for philosophical arguments proper to satisfy reason, begging him to instruct them, not merely so as to repeat by rote what he communicated to them, but to understand him; for no one can believe without first comprehending, and it is absurd to preach to others of things which neither he who professes, nor those whom he teaches, can understand. What object can the study of philosophy have, if not to lead to that of God, to whom all ought to be referred? With what view are the faithful permitted to read the writings treating of the events of the age and the

books of the Gentiles, unless it be to form them for the understanding of the truths of the Holy Scriptures, and to give them the necessary ability to defend them? It is especially necessary to be fortified by all the powers of reason, in order to prevent, upon questions so difficult and complicated as those which are the objects of the Christian faith, the subtleties of its enemies succeeding too easily in adulterating the purity of our faith.'

The importance of this first attempt at liberty, of this reproduction of the spirit of examination, was soon felt. Although occupied in reforming itself, the church did not the less take alarm: it immediately declared war against these new reformers, whose appearance threatened it much more than their doctrines. Behold the great fact which illustrates the end of the eleventh and the commencement of the twelfth century, whilst the church presented itself in the theocratic and monastic state! For the first time, a serious contest arose between the clergy and the free-thinkers. The quarrels of Abelard and St. Bernard, the councils of Soissons and Sens, in which Abelard was condemned, are but the evidences of that fact which has held so important a place in the history of modern civilisation. It was the principal circumstance in the state of the church in the twelfth century, the point of time at which we shall now leave it.

A movement of a different nature took place at the very same period, the movement towards the enfranchisement of the boroughs. It was attended by a singular proof of the inconsistency of barbarian and rude minds. If those burgesses who maintained their own freedom with such zeal, had been told that there were men who asserted the rights of human reason, of free examination, and were denounced by the church as heretics, they would have stoned or burnt them on the instant. Abelard and his friends were exposed to this danger more than once. On the other hand, those very writers who were the champions of the rights of human reason, spoke of the efforts for enfranchisement of the boroughs as productive of abominable disorder, and of the overthrow of society. Thus war seemed declared between the philosophical and the municipal movement, between intellectual and political enfranchisement. To reconcile these two great actions, and to bring them to a comprehension of the community of their interests, ages have been required. In the twelfth century they were utterly severed, as we shall see in our succeeding inquiry into the enfranchisement of the boroughs.

Lecture VII.
Boroughs And Their Influence.

The feudal system and the church, the two first great fundamental elements of modern civilisation, have now been brought down to the twelfth century, and our present object will be to trace the third of those elements, the boroughs, to the same era, confining ourselves within the limits we have observed with regard to the other two.

Our inquiry into boroughs commences with a different situation from that held by the church or the feudal system. From the fifth to the twelfth century, these latter, although they afterwards underwent new developments, exhibited themselves as nearly complete, and in a definitive state; their birth, growth, and maturity, all occurred within that interval. It was very different with boroughs. It was not until the end of the epoch upon which our attention is engaged, in the eleventh and twelfth centuries, that they took any place in history; not meaning thereby that their previous history calls for no examination, or that the traces of their existence long before that period are not discoverable, but that it was only in the eleventh century that they made a distinct appearance on the great stage of the world, and came out as an important element of modern civilisation. Thus, in surveying the feudal system and the church from the fifth to the twelfth century, we have found effects developed and produced from causes, or, in other words,

whenever, by induction or conjecture, we have deduced results from certain principles, we have been able to verify them by reference to facts. This is a facility which we do not possess with the boroughs. At the present moment, I shall only speak of causes and origins; and what I may say upon the effects of their existence, and upon their influence on the progress of European civilisation, will be in some sort by way of prediction, as the adducement of contemporary and known facts will be impossible. It is not until a later date, in the period stretching from the twelfth to the fifteenth century, that we shall perceive corporations take their development, as an institution bear fruit, and history prove our predictions. I mark this difference of situation the more emphatically, in order to obviate objections against the incompleteness and prematureness of the picture I am about to give.

I will suppose that a burgher of the twelfth century had suddenly appeared amongst us in 1789, at the moment that the terrible regeneration of France commenced, and that there had been given him to read (for we must endow him with the power to read) one of those pamphlets which then so violently agitated the minds of men; for example, the pamphlet of M. Sieyes—'What is the third estate?' Let us imagine his eyes falling on this phrase—the main point of the publication—'The third estate is the French nation, less the nobility and the clergy.' I ask, what impression would such a phrase produce on the mind of this man? Would he understand it? The words, '***the French nation***,' would be beyond his comprehension, for they would convey no idea of anything known to him, or existing in his own day; but if he should understand the phrase—if he had a clear conception of that sovereignty attributed to the third estate over all society, it would assuredly appear to him a nearly insane and impious proposition, so much would it be in contradiction to what he had seen, and to the entire bent of his ideas and sentiments.

Now, ask this bewildered burgher to follow you, and conduct him to some of the then boroughs of France, to Rheims, Beauvais, Laon, or Noyon. A surprise of a different nature would here await him. On entering the town he would perceive no towers, no ramparts, no burgher guard, no means of defence, but all open and exposed to the first hostile occupant. The safety of such a municipality would appear to him very uncertain and weakly guaranteed. Penetrating into the interior, and inquiring into what was there passing, into the manner in which it was governed, and into the condition of the inhabitants, he would be told that there was a power outside which taxed them as it pleased, summoned their militia, and sent it to distant wars, regardless of their consent; that there were magistrates, mayors, and sheriffs, whom the burgesses had no share in nominating, and that the affairs of the borough were not decided in the borough itself, but that a man named by the king, an intendant, alone and from a distance, administered them. Furthermore, he would be told that the inhabitants had no right to assemble and deliberate in common upon what concerned them—that the bell of their church did not summon them to the public square. The burgess of the twelfth century would be perfectly at a loss to comprehend these matters. First he was bewildered and dismayed at the grandeur and importance that the burgher community, the third estate, attributed to itself, and now he finds it, upon its own hearthstone, in a state of servitude, weakness, and nullity, worse than anything he had known as most disastrous. Passing from one contemplation to the other—from the idea of a sovereign commonalty to the survey of its powerlessness—how could he comprehend and reconcile the difference, or disentangle his mind from confusion?

On the other hand, let us carry a burgess of the nineteenth century back to the twelfth, and he will find things under the same double aspect, but the situations changed. Contemplating the general affairs of the age, the state, the government of the country, and society at large, we see or hear nothing of the burgesses; they are altogether without importance in the state. And not only so, but in speaking or thinking of themselves and their situation in relation to the general government of France, their language is timid and humble in the extreme. Their old masters, the lords of fiefs, from whom they wrung their franchises, are found treating them, in words at least, with a pride which surprises us, but was far from astonishing or irritating them.

But entering into the borough itself, and surveying what is there passing, we find the scene

changed. We are in a sort of fortified place, defended by the armed burgesses, who tax themselves, elect their own magistrates, sit in judgment, inflict punishments, and assemble to deliberate upon their own affairs; making war even against their lord, and having their own militia. In a word, they govern themselves, and are superior to control.

Here is a contrast of the same order as that which so much surprised the burgess of the twelfth century in the France of the eighteenth, only the parts are reversed. In the latter, the burgher order or nation is everything, the borough nothing; in the former, the degrees of importance are diametrically opposite.

Assuredly many things and many extraordinary events must have passed, and many revolutions have been accomplished between the twelfth and eighteenth centuries, to produce so prodigious a change in the state of one social class. Yet, in spite of this change, there is no doubt that the third estate of 1789 was, politically speaking, the descendant and heir of the burghers of the twelfth century. That haughty and ambitious 'French nation,' which raised its pretensions so high, proclaimed its sovereignty with such pomposity, and pretended not only to regenerate and govern itself, but also to govern and regenerate the world, incontestibly descended from those borough communities, who made their obscure though courageous stands in the twelfth century, with the sole object of throwing off the tyrannical yoke of nameless lords in their respective isolated corners.

Now, although there is no question that the explication of so great a metamorphosis will not be found in the state of the boroughs in the twelfth century, but that it has been effected and has its causes in the events which have occurred between the twelfth and eighteenth centuries, yet the origin of the third estate has been of great consequence in its history; and whilst we shall not therein discover the full secret of its destiny, we may at least discern the germ thereof; for what it was at first, is found again in what it has become, to a much greater extent than appearances would lead us to presume. A survey, although an incomplete one, of the state of the boroughs in the twelfth century, will, I think, be decisive of the fact.

In entering upon an investigation into this state, in order fully to comprehend it, we must consider the boroughs in two main points of view. There are two important questions to resolve: the first, that of the enfranchisement of the boroughs themselves, the inquiry how the revolution operated, and from what causes, what change it produced in the situation of the burghers, and what was its effect upon society at large, upon the other classes, and upon the state. The second question is relative to the government of the boroughs, the internal condition of the enfranchised towns, the relations of the burgesses amongst themselves, and the principles, the forms, and the manners in vogue within the communities.

From these two sources—on the one hand, from the change introduced into the social position of the burghers, and on the other, from their internal or borough government—all their influence on modern civilisation has been derived. That influence has been productive of no one fact which may not be referred to one or other of these two causes. Therefore, when we shall have thoroughly sifted them, and obtained an insight into the circumstances of their enfranchisement on the one hand, and their government on the other, we shall possess, as it were, the two keys to their history.

I will first say a few words on the diversity in the state of boroughs throughout Europe. The facts which I shall bring forward will not apply indifferently to all the Italian, Spanish, English, and French boroughs; some of them are referable to them all; but there are great and important differences. These I will indicate as I go on: we shall subsequently find them in the progress of civilisation, and will then investigate them more narrowly.

To have a proper idea of the enfranchisement of the boroughs, it is necessary to go back to the state of towns from the fifth to the tenth century, from the fall of the Roman Empire to the time at

which the borough revolution commenced. The differences were, I repeat, very great; the condition of towns varied extensively in the different countries of Europe, yet there are some general facts which may be affirmed of almost all towns, to which I shall endeavour to restrict myself. When I have done with them, the more special matter will apply to the boroughs of France, and particularly to those in the north of France, above the Rhone and the Loire. These will be prominent points in the picture it is my object to draw.

After the fall of the Roman Empire, from the fifth to the tenth century, the towns were in a state neither of liberty nor of servitude. In the use of words, we run the same chance of error as I previously remarked took place in the description of men and of events. When a society has endured for a long period, and also its language, words take a complete, determinate, and precise meaning, a legal and official sense, as it were. Time has introduced into the meaning of each term a multitude of ideas which are awakened as soon as it is pronounced, but which, not being all included at the same date, are not all applicable to one period. For example, the words ***slavery*** and ***liberty*** arouse ideas in our minds at the present day infinitely more precise and perfect than correspond to the facts existing in the eighth, ninth, or tenth centuries. If we say that the towns were in a state of liberty in the eighth, we say far too much, for we attach at present a meaning to the word 'liberty' which does not portray the state of things in that century. We fall into the same error if we say that the towns were in servitude, for this word implies something very different from the municipal conditions of the period. Thus, I repeat, the towns were not then in a state either of servitude or of liberty; they suffered all the evils which befall weakness, and were a prey to the continual violence and depredations of the strong; but in spite of so many and such frightful disorders, in spite of their impoverishment and depopulation, they never lost a certain degree of importance. In the major part there was a clergy or a bishop who exercised considerable power, having influence over the inhabitants, and serving as a link between them and their conquerors, thus maintaining the town in a species of independence, and covering it with the shield of religion.

Considerable remnants of the Roman institutions likewise lingered in the towns. Frequent instances of the convocations of the senate and the curia are met with at this epoch, and many facts of that nature have been collected by Messrs de Savigny and Hulmann, Mademoiselle de Lezardière, &c. There is some doubt concerning public assemblies and municipal magistrates. But the affairs of civil life, testaments, donations, and a multitude of other acts, are legalised in the curia by its officers, as took place in Roman municipalities. Yet barbarism, and an always increasing disorder, hastened the depopulation of towns, and gradually undermined all that remained of urban activity and freedom. The establishment of the masters of the land in the country districts, and the growing preponderance of the rural life, were additional causes of decay to the towns. The bishops themselves, when they had entered into the feudal frame, attached much less importance to their municipal ties. Finally, when feudalism had completely triumphed, the towns, without falling into the slavery of the serfs, found themselves under the sway of liege lords, and comprised within fiefs, in consequence of which they lost that share of independence which had been left to them in times even more barbarous, in the first ages of the invasion. So that from the fifth century to the period of the complete organisation of feudalism, the state of towns was continually getting worse.

When feudalism was once fairly established, when each man had taken up his station, and planted himself on an estate, and the wandering life had finally ceased, the towns, after a certain interval, began again to acquire some importance, and to deploy a renewed activity. Human activity is like the fecundity of the earth; as soon as the storm ceases, it reappears, germinates, and bears fruit. Whenever there is the least glimpse of order and peace, mankind resumes hope, and with hope labour. Thus it happened in the towns: so soon as the feudal system was well fixed, there sprang up amongst the fief-holders new wants and a certain taste for advancement and amelioration, to satisfy which a little commerce and industry took root in the towns of their domains, and wealth and population returned to them; slowly, I admit, but still they returned. Amongst the circumstances which hastened that result, may be reckoned one not hitherto much

regarded—namely, the right of sanctuary in churches. Even before the boroughs were constituted, and before their force and ramparts enabled them to hold out an asylum to the wretched population of the fields, the protection which could be found in the church alone was sufficient to attract a great many fugitives into the towns. They came to shelter themselves either in the church itself, or around the church; and they were not confined to men of the inferior class, serfs and boors, but were frequently men of consideration and wealth who had been proscribed. The chronicles of the epoch are full of such examples. We see men, formerly powerful, pursued by a neighbour yet more powerful, or by the king himself, abandoning their domains, carrying off all their movables, and flying to a town to put themselves under the protection of a church. These men became burgesses; and such refugees were, in my opinion, of some influence on the progress of towns, as they brought into them both wealth and the elements of a population superior to the bulk of the former inhabitants. Besides, is it not probable that when anything like a considerable association had been formed in any quarter, men would flock to it not only on account of the greater security afforded by it, but also from the mere spirit of sociability which is so natural to them?

By dint of all these causes, the towns acquired a certain degree of strength after the feudal system had become somewhat regulated. But security was not gained in the same proportion. It is true the wandering life had ceased, yet this wandering life had been to the conquerors and new proprietors of the soil a great means of gratifying their passions. When urged by a craving for plunder, they had made a foray, or gone to a distance in search of fresh fortune or a fresh domain. But when each had fixed himself, and it was necessary to renounce the conquering vagabond life, the taste for it was far from ceasing, or brutish appetites, or fierce desires, from abating. Their weight fell upon that part of the population lying most at the mercy of those possessed of power, upon the towns. Instead of going to a distance to pillage, they pillaged near their own homes. The extortions of the lords upon the burgesses redoubled from the beginning of the tenth century. Every time that the proprietor of a domain in which a town was included had any lust of pelf to satisfy, the burgesses were sure to feel its worst effects. It was at this epoch, more than at any other, that the complaints of the boroughs were loud and repeated, in consequence of the absolute want of security to commerce. The merchants, after making their rounds, were unable to return in peace into their towns; the roads and avenues were incessantly blocked up by the lord and his followers. The period in which industry recommenced its exercise was thus precisely that in which security was most deficient. Nothing frets men more than to be thus troubled in their labours, and despoiled of the fruits which they had thence anticipated. They are thereby much more annoyed and enraged than when they are subjected to suffering in a course of life for a long time fixed and monotonous, or when that of which they are deprived is not the result of their own activity, exerted in the reasonable hope of drawing sure returns. In the progressive movement which lifts up a man or a population to a new fortune, there is a principle of abhorrence for iniquity and violence much more energetic than in any other situation.

This, then, was the condition of the towns in the course of the tenth century. Their strength, importance, and riches had increased; and these acquisitions rendering them every day objects of greater envy to the lords, it became more than ever necessary to be able to defend them. The danger and the evil grew in magnitude with the means of resisting them. Indeed the feudal system offered to all its participators the continual example of resistance; it presented to the mind, under no modification, the idea of an organised government, capable of regulating and controlling all by its intervention alone. On the contrary, the spectacle of individual will, refusing to submit to any restraint, was unceasingly displayed. The greater number of the fief-holders was in this position with regard to their lords-paramount, and the small lords with regard to the great; so that, at the very time when the towns were oppressed and tormented, and they began to have new and important interests to maintain, they had under their eyes a continual lesson of insurrection. Feudalism has certainly done this service to humanity, that it has given a perpetual exhibition of individual will acting in all its energy. The lesson was not thrown away, for notwithstanding their weakness, and the prodigious inequality of condition between them and

their lords, the towns became insurgent on all sides.

It is difficult to assign a precise date to the event. It is generally said that the enfranchisement of the boroughs commenced in the eleventh century; but in all great events, how many unknown and unsuccessful efforts are made before that which finally prevails! In all things, Providence, to accomplish its designs, lavishes courage, virtues, sacrifices man himself; and it is only after a countless multitude of unknown labours, in appearance utterly lost, after numberless noble hearts have sunk under discouragement, and the painful conviction of the hopelessness of their cause, that the triumph is achieved. This was doubtless the case with the boroughs. There can be little question but that very many attempts at resistance and struggles for enfranchisement were made in the eighth, ninth, and tenth centuries, which not only did not succeed, but the memory of which remained without renown, because unfortunate. But these endeavours most assuredly exercised an influence upon posterior events; they gave animation and prevalence to the spirit of liberty, and laid the train for the great insurrection of the eleventh century.

I call it insurrection designedly. The enfranchisement of the boroughs, in the eleventh century, was the result of a veritable insurrection, of a real war declared by the inhabitants of towns against their lords. The first fact which is always met with in such histories, is a levy of the burghers, who arm themselves with any weapon they can catch, the expulsion of the officers of the superior, who had come to make exactions, or an enterprise against his castle; the characteristics of war are always there. If the insurrection is suppressed, what is the first act of the conqueror? He orders the destruction of the fortifications raised by the burghers, not only around their town, but around each house. We find that at the formation of the confederacy, after undertaking to act in common, and swearing the ***borough*** as a whole, the first proceeding of each burgher was to place his house in a state of defence. Some boroughs, whose names are at the present day buried in obscurity—for example, the petty borough of Vézelai in Nivernais—maintained a prolonged and energetic contest with their lords. In the case of Vézelai, victory fell to its abbot, and he instantly enjoined the demolition of the fortified houses of the burgesses. The names of several of those whose houses were thus destroyed have been preserved.

If we enter the interior of these houses of our ancestors, and study the mode of construction, and the kind of life which it reveals, we shall find everything adapted for war, and possessing a warlike character.

The following is the construction of a burgher's house of the twelfth century, as far as we can judge at the present day. There were generally three floors, with a single room on each floor. The ground-floor was a low room, in which the family fed; the first floor was very elevated, as a means of safety, affording the most remarkable peculiarity in the construction. On this was a room in which the owner of the house dwelt with his wife. The building was almost always flanked by towers at the angles, usually of a square form, another adaptation for war, and a means of resistance. On the second and last floor was a room, the use of which is uncertain, but which probably served for the children and the rest of the family. Above, there was very often a small platform, evidently destined to serve as an observatory. Thus the whole construction of the house gives an idea of war. In reality, such was the actual character and true designation of the movement which produced borough enfranchisement.

Now, when war has continued a certain time, whoever may be the belligerents, it necessarily ends in peace. The treaties of peace between the boroughs and their adversaries were the charters. The borough charters were mere treaties of peace between the burghers and their superiors.

The insurrection was general. When I use the term ***general***, I do not mean that there was any concert or coalition amongst all the burghers of a country; far from it. The situation of the boroughs was almost everywhere the same, exposed to the same danger, and overborne by the same misfortunes. Having acquired pretty nearly the same means of resistance and offence, they employed them at almost the same moment. It is possible, also, that example may have had some effect, and that the success of one or two boroughs may have been contagious. The

charters sometimes seem drawn upon the same pattern; that of Noyon, for example, served as a model for those of Beauvais, Saint Quentin, &c. Yet I am very doubtful that example operated to such an extent as is commonly supposed. The communications were difficult and rare, reports vague and unaccredited. There are more grounds for believing that the insurrection was the consequence of an identical situation, and of a spontaneous general movement. Again, I mean the word general merely to express that it took place in almost every district, for it was not the result of a unanimous and concerted movement. On the contrary, all was individual and local; each borough rose against its superior on its own peculiar account, and all was effected in separate localities.

Great were the vicissitudes of the strife. Not only did success alternate, but even after peace appeared made, and charters had been sworn to on both sides, they were broken or eluded in every possible way. The royal power bore an important part in the alternations of this strife, of which I will speak more in detail when I come to treat of royalty itself. Its influence in the movement of borough enfranchisement has been perhaps too much exaggerated; sometimes it has been denied altogether, or too much underrated. At present, I confine myself to the declaration that it frequently interfered, invoked sometimes by the boroughs, sometimes by the lords; that it often played contrary parts, acting now on one principle, then upon another, and unceasingly changing its designs and conduct; but that, upon the whole, its action was attended with more good than bad consequences.

Notwithstanding all these vicissitudes, and the continual violations of charters, the enfranchisement of the boroughs was consummated in the twelfth century. Europe, and especially France, which had been overrun with insurrections, was now filled with charters of a more or less favourable tendency. The degree of security with which the boroughs enjoyed them was variable, but still they enjoyed them. The fact was established, and the right was recognised.

We will now inquire into the immediate results of this great fact, and the changes it produced in the position of the burghers in society.

In the first place, it altered nothing, at least at the commencement, in the relation of the burghers with the general government of the country, with what we now call the state; they interfered with it to no greater extent than before. Everything remained local, and confined to the limits of the fief.

One circumstance, however, must be taken to modify this assertion. Between the burghers and the king a tie began at that time to be formed. In many cases the boroughs had invoked the support of the king against their superior, or his guarantee, when a charter was promised or sworn to. In other cases the lords had called for the judgment of the king between themselves and the burghers. At the demand of one or other of the parties, from a concourse of different causes, the royal power had interfered in the quarrels, whence sprang up pretty constant relations between the burghers and the king, which sometimes became very intimate. By these means the commonalty grew connected with the centre of the state, and began to have ties with the general government.

Although everything remained local, still the effect of the enfranchisement was to call a new and general class into being. No coalition had existed amongst the burghers, nor had they, as a class, any public and common existence. But the land was covered with men occupying an identical situation, with common interests and manners, amongst whom there could not fail to be formed by degrees a certain bond and unity, which was sure to originate a burgher class. Thus a necessary result of the local enfranchisement of boroughs, was the formation of a great social order, the citizen or burgher class.

We must not imagine that this class was then what it has since become. Not only has its situation greatly changed, but its elements or component parts were quite different. In the twelfth century, it was only composed of dealers and traders driving a trifling commerce, and of small

proprietors, either of houses or of land, who had taken up their abodes in towns. Three centuries afterwards, the burgher class comprised, in addition, lawyers, physicians, local magistrates, and persons engaged in various literary avocations. It was thus formed successively, and of very distinct elements; but neither to the succession nor to the diversity has proper attention been paid in its history. Whenever the burgher class is spoken of, it has been considered, apparently, as at all epochs composed of the same elements. Such a conclusion is absurd. It is, perhaps, more than all in the diversity of its composition, at the various eras of history, that the secret of its destiny ought to be sought. So long as it included neither magistrates nor lettered men—so long, in fact, as it was not what it became in the sixteenth century—it possessed neither so high a standing nor so great an influence in the state. The successive rise within itself of new professions and relative moral positions, of a new intellectual development, must be traced, in order to comprehend the vicissitudes of its fortunes and its power. In the twelfth century it was composed, I repeat, of petty traders, who retired into the towns after making their purchases and sales, and of owners of houses or small estates who had fixed their residence in them. Such was the European burgher class in its first elements.

The next great result of the enfranchisement of boroughs was the contest of classes, which thereupon arose inevitably from the fact itself, a contest which occupies all modern history. Europe, as at present constituted, has sprung from the struggles amongst the different orders of society. In other regions, as I have formerly stated, the contest produced very opposite effects. In Asia, for example, one class completely triumphed; the system of castes succeeded that of classes, and society fell into stagnation. Thanks be to God, no such consequence has happened in Europe. No one order has been able to vanquish or enslave the others; the contest, instead of becoming a principle of immobility, has been the cause of advancement. The relations of the different classes amongst themselves, and the necessity in which they have found themselves to struggle and to yield by turns, the variety of their interests and passions, the desire for conquest, without being able to accomplish it—from all this has resulted, perhaps, the most energetic and fruitful principle of development in European civilisation. The orders have been engaged in constant warfare: they detested each other; a deep-seated diversity in position, interests, and manners, wrought amongst them a profound moral hostility or antagonism, and yet they have progressively drawn together, amalgamated, and merged their differences. Every country in Europe has witnessed a certain general spirit, a certain community of interests, ideas, and feelings, take root and gain development within its own confines, which has triumphed over dissension and division. For example, in France, in the seventeenth and eighteenth centuries, the social and moral separation of the orders was still deeply planted; yet there is no doubt that the fusion was even then far advanced, and that there was a veritable French nation, not of one class exclusively, but comprising all classes, animated with a certain common sentiment, having a common social existence, and strongly impressed with nationality.

Thus, from our diversity, enmity, and warfare, has arisen in modern Europe that national unity, which has become so brilliant a feature of the present times, and which is tending, day by day, to a development still more glorious and beneficial.

Such are the great external, palpable, and social effects that have resulted from the revolution under review. We will now proceed to inquire what were its moral effects, or what changes it wrought in the minds of the burghers themselves, what, in fact, they became, in a moral sense, in their new position.

There is one fact with which it is impossible to avoid being struck, when we study the relations of the burghers, not merely in the twelfth century, but in after ages, with the state, or government of the state, with the general interests of the country. I speak of the extraordinary timidity and humility of the burghers, of the excessive modesty of their pretensions with regard to the government of their country, and of the facility they display in being contented. They give no token of possessing that true political spirit which aspires to influence, to reform, and to govern; they are utterly devoid of boldness of thought and greatness of ambition. They seem more like

prudent and plodding freedmen.

There are only two sources whence greatness of ambition and boldness of thought, in the political sphere, can result. There must be present either the feeling and consciousness of exercising an important influence and great power over the destinies of others, and upon a vast stage, or an energetic self-conviction of complete personal independence, an absolute certainty of individual liberty, and an inward persuasion of a destiny dependent upon no other will than that of the individual himself. Upon one or other of these conditions seem to depend hardihood of mind, loftiness of ambition, and a desire to act in an extended sphere, and to be instrumental in obtaining results of high import.

Neither the one nor the other entered into the situation of the burghers of the middle ages. Their importance was limited to themselves: out of their own towns, or upon the state at large, their influence was trifling. Neither could they have any strong sentiment of personal independence. It was of little moment that they had conquered and obtained charters. The burgher of a town, comparing himself to a petty lord who lived near him, and who had just been vanquished, felt, notwithstanding the latter incident, his extreme inferiority; he was a stranger to that haughty feeling of independence which swelled the breast of the fief-holder; his portion of freedom was held not from himself, but from his association with others, resting on a succour difficult and precarious. Thence arose that character of reserve, timidity of spirit, modest awe, and cringing humility of speech, even in the midst of stem resolution, which was so profoundly impressed on the burgher life of the twelfth century, and which has come down to their latest descendants. They have never had a taste for great enterprises; and when fate has plunged them into such, they have been beset with disquietude and embarrassment; the weight of responsibility has pressed too heavily upon them; they have felt themselves out of their sphere, and longed to return to more accustomed habits; thus they have always been ready to treat on moderate terms. We therefore find, in the course of European history, and especially in the French, that the burgher class was esteemed, flattered, even consulted, but very rarely feared; it seldom impressed its adversaries with the idea of its being a great or high-spirited power of real political weight. This weakness in the comparatively modern burgher class is not matter of astonishment, since its principal cause is clearly assignable to its origin, and to those circumstances of its enfranchisement which I have shortly before noted. A high ambition, entertained independently of social station, expansion and boldness in political thought, desire for intervention in the affairs of the realm, full consciousness of the dignity of man as a human being, and of the extent of his power, if he have capacity to exercise it—these are sentiments and dispositions altogether modern, the proceeds of modern civilisation, and the fruit of that glorious and elastic generality which characterises it, and which can never fail to assure to the people an influence and a weight in the government of the country, which were always wanting, and must of necessity have been wanting, to the burghers, our ancestors.

But, on the other hand, they acquired and displayed a degree of energy, devotedness, perseverance, and patient zeal, in the strenuous maintenance of the local interests intrusted to them upon their narrow stage, which has never been surpassed. The difficulty of accomplishing that task was so great, and they had to struggle against so many perils, that an unexampled deployment of courage was required. A very false idea of the life of a burgher of the twelfth and thirteenth centuries is entertained at this day. Sir Walter Scott has given in one of his novels, Quentin Durward, a description of the burgomaster of Liege, whom he has represented as a true burgher of comedy, fat, sluggish, ignorant, and cowardly, solely occupied in passing his life comfortably. But the burghers of those times had always their coats of mail on their breasts, and their pikes in their hands; their course of life was almost as disturbed, as warlike, and as rough, as that of the lords with whom they fought. It was in their constant danger, and in their bearing up against all the hardships of military life, that they acquired that strong determination and stubborn energy which have become somewhat mitigated in the softer activity of modern times.

None of these social or moral effects of the enfranchisement of the boroughs had taken its full

development in the twelfth century; it is in the following ages that they incontestably appear, and give opportunity for their clear discernment. Yet it is just as sure that their seed was sown in the original position of the boroughs, in the mode of their enfranchisement, and the place or station which the burghers thereafter took in the general society. Therefore I am justified in anticipating them at present. We will, in consequence, penetrate into the very interior of the borough of the twelfth century, and will see how it was governed, and what principles and facts predominated in the mutual relations of the burghers amongst themselves.

It will be recollected that, in speaking of the municipal system bequeathed by the Roman Empire to the modern world, I stated that the Roman Empire was a great coalition of municipalities, which had formerly been sovereign powers like Rome herself. Each of those towns had had originally the same existence as Rome, and had been a small independent republic, making peace and war, and governing itself at its own pleasure. In proportion as they were incorporated into the Roman Empire, the rights which constitute sovereignty, the rights of peace and war, of legislation, taxation, &c. were taken from each town, and concentred in Rome. Then there remained but one sovereign municipality, Rome, reigning over a great number of municipalities, which no longer preserved anything but a civil existence. The municipal system changed its character, and instead of being a political government, invested with sovereignty, it became a mere mode of administering affairs. This was the great revolution consummated under the Roman Empire. The municipal system, having become a mode of administration, was reduced to the government of local affairs, and the civil interests of the city. The fall of the Roman Empire left the towns and their institutions in this state. In the midst of the barbaric chaos, ideas were jumbled in as much confusion as facts; the attributes of sovereignty, and those of mere administration, were confounded. These distinctions were no longer attended to, and affairs were abandoned to the course of necessity. Each locality had its sovereign or its administrator, according to events or immediate wants. When the towns rose in insurgency to secure themselves from arbitrary spoliation, they assumed the sovereignty. This was not owing in the slightest degree to any respect for political theory, or to any sentiment of their own dignity. But in order to have the best means of resisting the lords against whom they rebelled, they appropriated to themselves the right of making militia levies, of self-taxation for supporting war, of making their own chiefs and magistrates—in a word, of governing themselves. Government administered in the interior of the towns was essential to defence and security. Thus sovereignty returned to the municipal system, from which it had departed in consequence of the Roman conquests. The boroughs became again independent and self-governing. Such is the political characteristic of their enfranchisement.

It is of course not to be inferred that this sovereignty was complete. There always remained some trace of external sovereignty; sometimes the lord preserved a right to send an officer into the town, who took the borough magistrates for his assessors; sometimes he had a right to collect certain revenues, or a tribute was in some instances secured to him. Occasionally the outward sovereignty of the borough passed into the hands of the king.

The boroughs themselves, having entered into the folds of feudalism, had vassals, and became suzerains, or superior lords, and under this title they possessed all that portion of sovereignty which belonged inherently to feudal lordship. A confusion ensued between the rights with which they were invested by their feudal position, and those which they had conquered by their insurrection; but under this twofold title sovereignty appertained to them.

The description of what took place, and how the government was carried on in the interior of a borough in the first ages, may be drawn as follows from the very incomplete monuments left for our guidance. The entirety of the inhabitants formed the borough assemblies; all those who had been sworn in burgesses (and whoever lived within the walls, was obliged to take the oaths) were called together to general assembly by the sound of the clock. There the magistrates were nominated. The number and form of magisterial offices were very variable. The magistrates being named, the assembly was dissolved. They governed almost alone with a considerable degree of

arbitrariness, and without any other check or responsibility than what might arise from new elections, or rather popular risings, which were the grand method of calling to account in use at that day.

Thus the internal organisation of the boroughs was reduced to two simple elements—the general assembly of the inhabitants, and a government invested with a nearly arbitrary power, under the check of insurrection or risings. It was impossible, chiefly from the state of manners, to establish a regular government and veritable guarantees for order and stability. The greatest part of the borough population was in such a condition of ignorance, brutality, and ferociousness, as rendered it very difficult to govern. In a short time, there was almost as little security in the interior of a borough, as there existed formerly in the relations of the burghers with the superior lord. Still, a higher class of burghers was rather speedily formed, the cause of which may be easily divined. The state of ideas and of social relations produced the establishment and legal constitution of industrial professions into companies or corporations. The system of privilege or monopoly was thus introduced into the interior of the boroughs, and, as a consequence, great inequality. There was shortly in all of them a certain number of important and wealthy burghers, and a labouring population more or less numerous, which, in spite of its inferiority, had a considerable share of influence in the affairs of the borough. Therefore the boroughs were divided into two classes—the higher burghers, and a population prone to all the errors and vices of a mob. The superior burghers were trammelled by the enormous difficulty of governing this lower population on the one hand, and by the continual efforts of the old lord of the borough to re-usurp his power on the other. This was their situation not only in France, but in all Europe, up till the sixteenth century, and this was perhaps the principal cause which prevented the boroughs from obtaining all the political importance which they might otherwise have had in several countries of Europe, and especially in France. Two principles were in constant strife within them: among the inferior population, a blind, reckless, and ferocious democratic spirit; and thence among the superior population, a spirit of timidity and management, inducing an extreme facility to make accommodations either with the king or with the ancient lords, in order to re-establish order and docility in the interior of the community. These two tendencies, by their separate action, effectually prevented the boroughs from assuming an important station in the general state.

All these consequences had not broken out in the twelfth century; yet we are enabled to anticipate them from the very character of the insurrection, from the manner in which it had commenced, and from the condition of the different component parts of the borough population.

Such are, if I mistake not, the principal characteristics and general results both of the enfranchisement of the boroughs and of their internal government. I have already stated that they were not so uniform and universal as I have represented them. There is, on the contrary, a great diversity in the history of European boroughs. For example, in Italy and in the south of France, the Roman municipal system prevailed; the population was not so much divided or so unequal as in the north. The borough organisation was also much better, either on account of the lingering Roman traditions, or on account of the superior state of the population. In the north, it was the feudal system which influenced the borough existence. There, all was made subordinate to a successful struggle against the lords. The southern boroughs were much more occupied with their internal organisation, with improvements, and with the means of advancement. They were paving the way for their becoming independent republics. The destiny of the northern boroughs, of the French especially, assumed a more rude and incomplete aspect; a destiny of far inferior development. If we survey the boroughs of Germany, Spain, and England, we shall find in them differences of other kinds. It is not my purpose to enter into these details; we shall have occasion to remark some of them as we advance in the history of civilisation. At their original formation, all things were confounded in pretty nearly one likeness, and it was only by successive developments that the variety occurred. By subsequent developments, societies have been urged to that grand and concurrent unity which is the glorious goal of the efforts and hopes of the human race.

Lecture VIII.
The Twelfth And Thirteenth Centuries.
The Crusades.

I have not hitherto stated the entire plan of my inquiry. I commenced by indicating its object, and then I proceeded, without considering European civilisation as a whole, or without marking out at one and the same time the point of departure, the course, and the port; that is, the commencement, the middle, and the end. We are now, however, arrived at an era in which this survey of the whole, this general sketch of the region we are traversing, becomes necessary. The periods that we have investigated so far, are illustrated in some sort by themselves, or by immediate and distinct results. Those upon which we are about to enter would not be understood, and would indeed fail in exciting any lively interest, if they were not connected with their most indirect and remote consequences. In so extensive an investigation, moments occur in which the mind seeks for elucidation as to the ultimate object, and feels reluctant to proceed with mists and darkness before it; not only whence we come, and where we are, does it seek to know, but also whither we go. This is what we feel at present. The epoch upon which we now open is intelligible, and its importance can be appreciated only by the relations which link it to modern times. Its true tendency has only been revealed at a very late period.

We are now in possession of almost all the essential elements of European civilisation. I say almost, because I have not yet entered upon royalty. The era of the decisive development of royalty did not take place until the twelfth or even the thirteenth century; it was not till then that the institution was truly established, and began to assume its definitive station in modern society. For this reason I have not treated of it earlier, but it will form the subject of my next lecture. With this exception, however, we grasp all the great elements of European civilisation: the feudal aristocracy, the church, and the boroughs, have all been traced to their origin; the institutions corresponding to each of these matters have been laid open, and not only the institutions, but also the principles and ideas which they were calculated to excite in the minds of men. Thus, when treating of feudalism, we have gone to the cradle of the modern household, to the sanctuary of domestic life; and we have fully understood the prevailing sentiment of individual independence in all its energy, and the influence it was destined to exercise upon our civilisation. On the question of the church, we have witnessed the rising of the purely religious society, its relations with civil society, the theocratic principle, the separation of the spiritual from the temporal power, the first objects of persecution, and the first cries of liberty of conscience. The consideration of the infant boroughs has shown an association founded upon very opposite principles to those of feudalism or the church, the diversity of the social classes, their contests, the first and deep-rooted characteristics of modern burgher manners, timidity of spirit by the side of firm determination, and mob licentiousness accompanied by principles of legality, In a word, all the elements which have concurred in the constitution of European society, and all that that society has been, have now been fully searched into.

Now let us transport ourselves into the midst of modern Europe; I do not mean the present Europe, after the astonishing change we have witnessed, but that of the seventeenth and eighteenth centuries. Do we recognise the society we have just beheld in the twelfth? How prodigious the difference! I have already dilated upon this difference when on the subject of the boroughs; I then endeavoured to show how little the third estate of the eighteenth century resembled that of the twelfth? Scrutinising feudalism and the church in the same manner, we are struck by a similar metamorphosis. There was no more resemblance between the nobility of Louis XIV.'s court and the feudal aristocracy, or between the church of Cardinal de Bernis and that of the Abbot Suger, than between the third estate of the eighteenth century and the burghers of the twelfth. In the interval between these two epochs, society (although in possession of all its elements) was completely transformed.

I shall attempt a clear explication of the general and essential character of this transformation.

From the fifth to the twelfth century, society contained all that I have described—kings, a lay aristocracy, a clergy, burghers, serfs, religious and civil powers, the germs, in fact, of all that constitutes a nation and a government, and yet there was no government or nation. As to a people, properly so called, or a veritable government, in the sense with which those words are now applied, there was nothing of the sort in the whole period mentioned. We have encountered a multitude of particular forces, of special facts and of local institutions, but nothing general or public, no political system, in the strict sense of the word; in fine, no real nationality.

Let us look, on the contrary, to Europe in the seventeenth and eighteenth centuries. We behold in every quarter two great forms appear on the stage of the world, the government and the nation. Society is formed by, and history is occupied in the relation of, the action of a general power upon a whole country, and the influence of that country upon the power which governs it; the mutual ties of these two great forces, their alliance and their strife, are the especial objects of history. The nobles, the clergy, the burghers, all those particular classes and powers, have no longer a prominent appearance, but are merged in and effaced by these two great bodies, the government and the nation.

This is, if I mistake not, the essential feature which distinguishes modern from primitive Europe, and the metamorphosis was accomplished between the thirteenth and sixteenth centuries.

It is therefore between these two eras that the secret is embowelled, and the distinctive character of the epoch upon which we are entering is, that it has been employed to turn primitive Europe into modern Europe; hence its importance and high historic interest. Unless we contemplate it under that aspect, and unless we seek to learn what has resulted therefrom, not only shall we be utterly at a loss to understand the epoch, but we shall also feel tired and wearied with its pursuit. In fact, viewed by itself, and apart from its consequences, it was a period without character, a time during which confusion went on increasing, without the causes being apparent, an era of movement without direction, of agitation without result; royalty, nobility, clergy, burghers, all the elements of social order, kept moving in the same circle, all equally incapable of progress and repose. Experiments of all kinds were made, and all failed; attempts were made to give stability to government, foundation to public liberty, even to introduce religious reforms, but nothing was effected, nothing grew to a head. If the human race was ever delivered over to a destiny at once agitated and stationary, to labour at once unremitting and barren, such were certainly the features of its condition from the thirteenth to the fifteenth century.

I know only one work in which this characteristic is truthfully portrayed—namely, 'The History of the Dukes of Burgundy,' by M. de Barante. I do not refer to the truth which sparkles in his descriptions of manners, or minute relations of events; but to that general truthfulness which renders his whole work a faithful image, a transparent mirror of the whole epoch, the restlessness and the monotony of which it so well unfolds.

Considered, on the contrary, in its relation to what followed it, as the period of transition from the primitive to the modern state of Europe, the epoch in question brightens into perspicuity and animation; a uniformity in the whole, a direction and a progress, are instantly discoverable; its unity of action and its interest are contained in the heavy and obscure labour itself which worked out the accomplishment.

The history of European civilisation may therefore be summed into three great periods. First, a period which I shall call that of origins, of formation, in which the different elements of our society emerged from chaos, took being, and displayed themselves in their native forms with their animating principles. This period was prolonged almost to the twelfth century. Second, the second period was one of trial, experiment, groping; the different elements of social order drew towards each other, came in contact, and, so to express myself, felt each other, yet were unable to strike out anything of a general, regular, and lasting order. This state did not terminate until the sixteenth century. Third, the last is the period of development, properly so called, in which human

society took a definitive form in Europe, pursued a determined direction, and progressed, rapidly and as a whole, towards a clear and precise object. This commenced in the sixteenth century, and still holds its course.

Such appears to me, upon a combined survey, the aspect of European civilisation, and in such a light I shall endeavour to present it. We are entering at the present moment upon the second period. We have to search it for the great crises and the determining causes of the social transformation which thence resulted.

The first great event which stands before us, and opens, as it were, the epoch of which we speak, is the phenomenon of the crusades. They began at the end of the eleventh, and filled the twelfth and thirteenth centuries. They form assuredly a great event, which, from the era of its accomplishment, has unceasingly occupied philosophic historians, all of whom, even before engaging in a particular analysis, have felt that it was one of those influences which change the condition of populations, and which it was imperatively incumbent well to study, in order to obtain a clear comprehension of the general course of things.

The main characteristic of the crusades is their universality. All Europe together took part in them; they were the first European occurrence. Previous to the crusades, Europe had never been moved by an identical sentiment, nor had acted in one and the same cause; there was, in fact, no Europe. The crusades unfolded a Christian Europe. The French formed the bulk of the first army of the crusaders, but there were also Germans, Italians, Spaniards, and Englishmen. Take the second or the third crusade; all the Christian nations were engaged in each. Nothing similar had ever been witnessed.

This was not all. In the same manner as the crusades were an European event, so were they in each country a national event. In each nation all classes of society were animated with the same conviction, obeyed the same idea, and abandoned themselves to the same enthusiastic impulse. Kings, lords, priests, burghers, husbandmen, all took the same interest and the same share in the crusades. A moral unity amongst the nations broke forth—a fact as novel as the European unity.

When such events occur in the youth of nations, in those times when they act spontaneously, and from free impulse, without premeditation, political intention, or governmental combinations, we acknowledge them to be what history calls heroic events, and to evidence the heroic age of nations. The crusades were, in fact, the heroic era of modern Europe—a movement at once individual and general, national, and yet unguided.

All documents avouch, and all facts prove, that this was actually their primitive character. Who were the first crusaders who put themselves in motion? Bands of populace, who departed under the conduct of Peter the Hermit, without preparation, and without guides or chiefs, followed, rather than led, by some obscure knights, and who, after traversing Germany and the Greek empire, dispersed or perished in Asia Minor.

The superior class, the feudal nobility, was, in its turn, eager for the crusade. Under the command of Godfrey of Bouillon, the lords and their followers set off full of ardour. When they had traversed Asia Minor, the chiefs became lukewarm and weary, were little disposed to continue the route, and felt inclined to throw aside all considerations but themselves, to make conquests, and gain establishments. The commonalty of the army rose in anger; they were bent on proceeding to Jerusalem; the deliverance of Jerusalem was the object of the crusade, and not to gain principalities for Raymond of Toulouse, Bohemond, or any other. The popular, national, European impulse prevailed over all individual schemes; the chiefs had not sufficient ascendancy over the masses to bend them to their selfish interests.

The sovereigns, who had remained aloof from the first crusade, were finally drawn into the movement like the people. The great crusades of the twelfth century were commanded by kings.

I pass at once to the end of the thirteenth century. Crusades were still talked of in Europe, were still preached with zeal. The popes urged sovereigns and people; councils were held in commendation of the Holy Land; but every one hung back, and was indifferent about going. Something had passed into the European mind and society which put an end to crusades. There were still some particular expeditions; a few lords and parties of men still departed for Jerusalem, but the general movement was evidently arrested. Yet it does not appear that either the necessity for continuing in it or the facility of so doing had ceased. The Moslems triumphed more and more in Asia. The Christian kingdom founded at Jerusalem had fallen into their power. It was necessary to reconquer it; to secure success, the means were much greater than they were at the time that the crusades commenced; a great number of Christians were established, and still powerful, in Asia Minor, Syria, and Palestine. The best modes of travelling there, and of acting effectually, were much better known than at the earlier period. But, however, all this was unavailing to reanimate the crusading spirit. It is clear that the two great powers of society—the sovereigns on the one hand, and the nations on the other—wished for no more crusades.

It has been repeatedly said that this arose from lassitude; that Europe was tired with thus pouring upon Asia. It is proper that this word ***lassitude***, which is so often used on similar occasions, should be understood, for it is singularly inappropriate. It is not true that human generations are weary with what they have not done, weary of the fatigues of their fathers. Lassitude or weariness is personal, and is not transmitted like an inheritance. The men of the thirteenth century were not fatigued with the crusades of the twelfth; another cause operated upon them. A great change had been effected in ideas, feelings, and social positions. The same wants and desires were no longer felt. The same things were no longer either believed or wished for. Such political or moral metamorphoses, and not weariness, explain the varying conduct of successive generations. The lassitude which is attributed to them is a metaphor void of truth.

Two great causes, the one moral, the other social, threw Europe into the crusades.

The moral cause was the impulse derived from religious sentiments and creed. Since the end of the seventh century, Christianity had fought against Mohammedanism, and had conquered it in Europe, after being fearfully menaced by it; it had succeeded in restricting it to Spain. Thence also it was constantly labouring to expel it. The crusades have been represented as a sort of accident, as an unforeseen and unbruited event, brought about by the recitals of pilgrims on their return from Jerusalem, and the preachings of Peter the Hermit. Nothing of the kind. The crusades were the continuation and apogœum of the great contest carried on for four centuries between Christianity and Mohammedanism. The theatre of that contest had previously been in Europe, then it was transported into Asia. If I put any value on those comparisons and parallels in which people sometimes delight to press, suitably or unsuitably, historical facts, I might exhibit Christianity as running in Asia exactly the same career, and undergoing the same fate, as Mohammedanism in Europe. Mohammedanism was established in Spain, where it conquered and founded a kingdom and principalities. The Christians did that also in Asia, and they found themselves, with regard to the Mohammedans, in the same position as the latter in Spain with regard to the Christians. The kingdom of Jerusalem and that of Grenada precisely corresponded. However, such likenesses or similitudes are of very little consequence. The great fact was the contest of the two religious and social systems. The crusades were its main and culminating crisis. In that is their historical character, the bond which unites them to the entirety of affairs.

Another cause, the social state of Europe in the eleventh century, equally contributed to their breaking forth. I have been particular in explaining why nothing of a general nature could gain establishment in Europe from the fifth to the eleventh century, and I endeavoured to show how completely the local system prevailed, and within what narrow limits states, existences, and minds were confined. The feudal system had effected that. After some time, limits so narrow no longer satisfied; human thought and activity were eager to overleap the bounds to which they were restricted. The wandering life had ceased, but not the taste for its excitement and adventures. The populations rushed to the crusades as to a new existence, wider and more

varied than their own, pleasurable to them as both recalling the ancient liberty of barbarism, and opening out vast prospects for the future.

Such were, in my opinion, the determining causes of the crusades in the twelfth century. At the end of the thirteenth century, neither the one nor the other of them any longer existed. Mankind and society were so changed, that neither the moral impulse nor the social wants which had precipitated Europe upon Asia, were any longer felt. It is a curious matter to compare the contemporary chroniclers of the first crusades with those of the end of the twelfth and of the thirteenth century; for example, Albert of Aix, Robert the monk, and Raymond of Agiles, who were present in the first crusade, with William of Tyre and James of Vitry. When we bring these two classes of writers together, we are immediately struck with the distance which separates them. The first are animated chroniclers, with excited imaginations, who relate the events of the crusade with great warmth. But their minds were prodigiously narrow, having no idea out of the petty sphere in which they lived, strangers to all science, filled with prejudices, and incapable of forming any judgment whatsoever upon what was passing around them, or upon the events which they recount. On the contrary, opening the history of William of Tyre, we are astonished to discover almost an historian of modern times, a developed, expansive, and unprejudiced mind, a rare political insight into events, comprehensive views, and a judgment based upon causes and effects. James of Vitry presents the example of another order of development; he is a learned man, who carries his inquiries beyond what has immediate reference to the crusades, and dilates upon the state of manners, upon geography, heathenism, and natural history; in fact, one who observes and describes the world. In fine, there is a vast interval between the chroniclers of the first crusades and the historians of the last, sufficient to convince us of a veritable revolution in the state of the human mind.

This revolution is especially perceptible in the feeling with which the two classes mention the Mohammedans. To the first chroniclers, and consequently to the first crusaders, of whom they are but the expression, Mohammedans are objects only of hatred; it is evident that those who speak of them do not know them or judge them upon proof, but consider them only with the blindness of the religious hostility which exists between them: we discover no trace of any mutual social relation; they hate and they fight them, nothing more. William of Tyre, James of Vitry, and Bernard the Treasurer, speak of the Mussulmans quite differently; although engaged in combating them, it is clear that they look upon them no longer as monsters, that they have to a certain extent entered into their ideas, that they have lived with them, and that relations, and even a sort of sympathy, have been established between them. William of Tyre passes a fine eulogium upon Noureddin, and Bernard the Treasurer upon Saladin. They even sometimes go so far as to place the manners and conduct of the Mussulmans in opposition to the manners and conduct of the Christians, and they praise the Mohammedans, in order to satirise the Christians, as Tacitus painted the manners of the Germans as a contrast to those of Rome. Now, the change must have been immense which was accomplished between the two epochs, since we find in the last a freedom and impartiality of spirit in regard to the very enemies of the Christians, those against whom the crusades themselves were directed, which would have filled the first crusaders with astonishment and rage.

Here was the first and main result of the crusades, a great step towards the enfranchisement of the mind, and a considerable advance towards more extended and unprejudiced ideas. Commenced in the name, and under the influence of religious principles, the crusades took from religious ideas, I will not say their legitimate share of influence, but the exclusive and despotic possession of the human mind. This consequence, doubtless a very unforeseen one, was produced by various causes. The first arose certainly from the novelty, the extent, and the variety of the scenes that were offered to the contemplation of the crusaders. There happened to them what usually happens to travellers. It is a mere commonplace to say that the mind of a traveller is set free, and that the custom of comparing different nations, manners, and opinions expands the ideas, and clears the judgment from ancient prejudices. Now, the same fact occurred to these travelling populations who have been called crusaders; their minds were opened and elevated by the mere circumstance of witnessing a multitude of different things, and by becoming acquainted with manners distinct from their own. Besides, they came into relations with two civilisations, not only different, but more advanced—namely, the Greek society on the one hand, and the Mussulman on the other. There can be no doubt but that the Greek society, although its civilisation was emasculated, corrupted, and expiring, had on the crusaders the operation of a society in a more advanced state, more polished and enlightened than theirs. The Mussulman society offered to them a spectacle of the same nature. It is curious to perceive in the chronicles the impression that the crusaders produced upon the Mohammedans; the latter regarded them upon their first approach as barbarians, as the most brutal, ferocious, and stupid mortals it had been their lot to behold. The crusaders, on their side, were struck with the exhibition of wealth and the refinement of manners amongst the Moslems. Frequent relations between the two people soon succeeded this first impression. These extended, and became much more important than is generally believed. Not only had the Christians of the East habitual relations with the Mohammedans, but the East and the West came to know, to visit, and to mingle with each other. Not long ago, one of those learned men who made France honourable in the eyes of Europe, M. Abel Remusat, has brought to light the intercourse between the Mongol emperors and the Christian kings. Mongol ambassadors were sent to the Frank kings, to St. Louis amongst others, to induce them to enter into alliance, and to recommence crusades for the common interests of Mongols and Christians against the Turks. And not only were diplomatic or official relations thus established between the sovereigns, but they extended to frequent and varied relations amongst the populations. I shall quote literally from M. Remusat. [Footnote 11]

> [Footnote 11: 'Memoirs of the Political Relations of the Christian Princes with the Mongol Emperors.'—Second Memoir, p. 145-157.]

'A great many Italian, French, and Flemish monks were charged with diplomatic missions to the great khan. Mongols of distinction came to Rome, Barcelona, Valentia, Lyons, Paris, London, and Northampton, and a Franciscan of the kingdom of Naples was archbishop of Pekin. His successor was a professor of theology of the faculty of Paris. But how many other persons less known were drawn after these, either as slaves, or attracted by the love of gain, or urged by curiosity, into countries up to that period unknown! Chance has preserved the names of some. The first envoy who came to visit the king of Hungary, on the part of the Tartars, was an Englishman, banished from his country for certain crimes, and who, after having wandered over all Asia, had finished by taking service amongst the Mongols. A Flemish shoemaker met in the depths of Tartary a woman from Metz, named ***Paquette***, who had been carried off in Hungary; a Parisian goldsmith, whose brother was established in Paris upon the great bridge; and a young man from the environs of Rouen, who had been at the taking of Belgrade. He saw also some Russians, Hungarians, and Flemings. A chorister, named ***Robert***, after traversing Oriental Asia, returned to end his days in the cathedral of Chartres. A Tartar was purveyor of helmets in the armies of Philip the Handsome. John de Plancarpin fell in, near Gayouk, with a Russian nobleman whom he calls ***Temer***, who was officiating as interpreter; several merchants of Breslau, Poland, and Austria accompanied him in his journey to Tartary. Others returned with him by way of Russia; they were Genoese, Pisans, and Venetians. Two merchants from Venice, whom hazard had conducted to Bokhara, consented to follow a Mongol ambassador from Houlagou sent to Khoubalai. They sojourned several years in China and Tartary, returned with letters from the great khan for the pope, went back to the great khan, taking with them the son of one of them, the celebrated Marco Polo, and once more quitted the court of Khoubalai to return to Venice. Travels of this sort were not less frequent in the following age. In the number are those of Sir John Mandeville, an English physician, of Orderic of Frioul, of Pegoletti, of William Bouldeselle, and of several others. We can readily conceive that those whose memory is preserved are but a very small portion of those that were undertaken, and that there were at the period in question more people capable of executing distant journeys than of writing accounts of them. Very many of these adventurers must have settled and died in the countries they went to visit. Others returned to their native land as obscure as they went away, but with an imagination filled with what they had seen, and gave relations to their families, highly coloured doubtless, but thereby leaving around them, amidst ridiculous fables, useful remembrances, and traditions capable of bearing good fruit. Thus in Germany, Italy, and France, in the monasteries, in the castles of the feudal lords, and even in the lowest ranks of society, were deposited precious mementos, destined at a somewhat later period to be turned to account. All these unknown travellers, carrying the arts of their own countries into distant lands, brought back others not less precious, and made, without perception on their parts, more advantageous exchanges than all those of commerce. By these means, not only the trade in silks, porcelain, and Indian commodities became extended and more practicable, opening up new routes to commercial industry and activity, but what was of still greater consequence, foreign manners, unknown nations, and extraordinary productions, crowded upon the minds of Europeans, repressed since the fall of the Roman Empire into too narrow a circle. They began to estimate properly the finest, the best-peopled, and the most anciently-civilised of the four quarters of the globe. They set about studying the arts, creeds, and idioms of the nations who inhabited it, and there was even a project for establishing a chair of the Tartar language in the university of Paris. Romantic accounts, being soon investigated and valued as they deserved, spread on all sides more just and comprehensive ideas. The world seemed to open on the side of the East; geography made a prodigious stride; and an ardour for discoveries became the new direction which the adventurous spirit of Europeans fell into. When our own hemisphere was better known, the idea of another ceased to present itself to the mind as a paradox stripped of all likelihood; and it was upon an expedition in search of the Zipango of Marco Polo, that Christopher Columbus discovered the New World.'

Here we see how vast and novel a world was opened to the European mind by means of circumstances brought about by the impulse of the crusades in the thirteenth and fourteenth centuries. We cannot doubt it to have been one of the most powerful causes of the mental development and freedom which broke forth at the end of that great era.

Another circumstance deserves to be mentioned. Previous to the crusades, the court of Rome—the centre of the church—had held communication with laymen only through the agency of ecclesiastics, either of legates sent by Rome, or of bishops and the whole body of clergy. Of course there were always some laymen in direct relation with Rome; but, upon the whole, it was by ecclesiastics that it communicated with the populations. During the crusades, on the contrary, Rome became a place of passage to a great proportion of the crusaders, either in going or returning. Multitudes of laymen thus enjoyed an opportunity of more narrowly inspecting the policy and manners of the papal court, and of discriminating how much of personal interest was mixed up with religious discussions. There can scarcely be a doubt that this new species of knowledge inspired numerous minds with a hardihood previously undreamt of.

When we reflect upon the state of public opinion in general, and especially with regard to ecclesiastical matters, at the termination of the crusades, a singular fact cannot fail to strike us. We do not find that the religious ideas had changed, or that they had been supplanted by contrary or merely different opinions, yet was opinion infinitely more free, religious dogmas were no longer the only sphere in which the human mind gave itself scope; but without altogether forsaking them, it commenced to shake them off, and carry its inquiries into other quarters. Thus, by the end of the thirteenth century, the moral cause which had provoked the crusades, or which had been at least their most energetic principle, had disappeared; the moral state of Europe had undergone deep-seated modifications.

The social state also had suffered an alteration of an analogous nature. Much labour has been spent in investigating the influence of the crusades in a social respect; it has been shown that a great number of proprietors of fiefs was reduced to the necessity of selling them to the kings, or of granting charters to the boroughs, for the purpose of raising money and going to the crusades; and also that, by their mere absence, many lords lost a considerable portion of power. Without entering into details, I think the influence of the crusades upon the social state may be summed up into a few general facts.

They greatly diminished the number of small fiefs, of petty domains, and of small proprietors, and concentrated property and power into a less number of hands. It is subsequent to the crusades that we find the great fiefs, the great feudal formations, spread over the face of the country.

I have often regretted that there is no map of France divided into fiefs, in the same manner as we have one divided into departments, arrondissements (circles), cantons, and boroughs, in which all the fiefs were denoted, with their extent, relations, and successive changes. If by the aid of such a map we could compare the state of France before and after the crusades, we should perceive at a glance how many fiefs had disappeared, and to what extent the great and middle fiefs had increased. This was one of the most important results of the crusades.

And even when the small proprietors preserved their fiefs, they ceased to live so isolated as formerly. The possessors of large fiefs became centres, around which the small ones flocked and passed their lives. During the crusades they had found it necessary to range themselves under the banner of the wealthiest and most powerful, and receive assistance from him. With this chief they had lived, partaken his fortunes, and shared his adventures. When they returned home, this sociability and habit of associating with the superior became fixed in their manners. So, whilst we perceive the great fiefs enlarged after the crusades, we likewise find that their owners held a much more considerable court than theretofore in their castles, and had about their persons a great number of gentlemen, who preserved their small domains, but no longer shut themselves up in them.

The extension of the great fiefs, and the creation of various centres for society, instead of the dispersion and isolation previously existing, were the two greatest effects of the crusades within the folds of feudalism.

As to the burghers, a result of the same nature is instantly perceptible. The crusades were the means of creating large towns. Petty inland commerce and industry had been insufficient to form boroughs such as the great towns of Italy and Flanders. Their rise was owing to commerce upon an extensive scale, maritime commerce, and particularly that between the East and the West. Thus it was the crusades which gave to maritime commerce the strongest impulse it had ever received.

Upon the whole, when we look to the state of society at the conclusion of the crusades, we find that that tendency to dispersion and dissolution, that movement to universal localisation, if I may be permitted so to speak, which had preceded that epoch, had ceased and been replaced by a tendency of a contrary nature, by a movement to centralisation. Everything was disposed for junction and amalgamation. The smaller existences were absorbed in the greater, or grouped around them. In this direction society marched, to this object were its advancements pointed.

We now clearly understand why nations and sovereigns, at the end of the thirteenth and in the fourteenth century, were indifferent about crusades. They had no longer any occasion or inclination for them; they had been thrown into them by the impulse of a religious spirit, and by the exclusive dominion held by religious ideas over the entirety of their existence; this dominion was on the wane, its energy was gone. The crusades had been recommended to them also by the novelty, extent, and variety of the scenes they opened up, and they began to find in Europe itself, in the progress of social relations, a life possessing all such characteristics. It was at this epoch that the career of political aggrandisement opened to kings. Why go in search of kingdoms in Asia, when they had them to conquer at their thresholds? Philip Augustus went to the crusades much against his inclination; his unwillingness was quite natural, for he had yet to make himself king of France. The people were affected in the same manner. The career of wealth was laid open before them, and they renounced romance for labour. Political affairs were substituted by sovereigns for adventures, and extended industry by the people. One class only of society continued to keep up a taste for adventures, namely, that portion of the feudal nobility which, being on too low a scale to pretend to political aggrandisement, and despising labour, preserved its old position and its ancient manners. It therefore continued to rush to the crusades, and to endeavour their revival.

Such, according to my conception, were the great and veritable effects of the crusades; on the one hand, expansion of ideas, enfranchisement of opinion; on the other, the aggrandisement of particular powers, and a wider sphere opened to all sorts of activity. They produced, at one and the same time, an increase to individual liberty and to political unity. They conduced to the independence of man and to the centralisation of society.

Many inquiries have been directed to ascertain what means of civilisation were directly imported from the East. It has been said that the majority of the great discoveries which, in the course of the fourteenth and fifteenth centuries, stimulated so vastly the development of European civilisation—the compass, printing, and gunpowder—were known in the East, and might have been brought thence by the crusaders. That is true to a certain extent. Yet some of these assertions are impugnable. But what is not so, is that influence, that general effect of the crusades upon the minds of men on the one hand, and upon society on the other; they drew European society out of a narrow drain, and sent it forward upon new and broad ways; they commenced that transmigration of the different elements or parts of European society into governments and nations, which is the character of modern civilisation. At the same period, royalty, one of the institutions which have most powerfully contributed to that great result, was developed. Its history from the birth of modern states to the thirteenth century will be the object of my next lecture.

Lecture IX.
Rise And Progress Of Royalty.

In my last lecture I endeavoured to determine the essential and distinctive character of modern society, as compared with the primitive European society; and it was my object to show that it was exhibited in this fact, that all the elements of the social state, at first numerous and distinct, were reduced to two—the government on the one hand, and the people or nation on the other. Instead of encountering as predominant powers and chief actors in history, the feudal nobility, the clergy, kings, burghers, boors, and serfs, we find in modern Europe but two great forms alone occupying the historical stage—the government and the country.

If such be the head to which European civilisation has gathered, such also must be the object towards which we are to direct our steps, to which our researches must be made subservient. It is incumbent on us to trace the great result through its different stages, its origin, development, and progressive consolidation. We have already entered upon the epoch to which its origin may be assigned; and it was, as we have seen, between the twelfth and sixteenth centuries that a slow and hidden labour was at work in Europe, which drew our society to that new and definitive configuration. So also have we investigated the first great event which, in my opinion, palpably and irresistibly impelled Europe into that direction—namely, the crusades.

In the same epoch, nearly at the instant that the crusades broke loose, the institution which has mainly contributed to the formation of modern society, and to that fusion of all the social elements into the two powers mentioned, royalty commenced its aggrandisement.

Royalty has assuredly played a prodigious part in the history of European civilisation, as a glance at facts will convince us. We see the development of royalty progressing step by step, if I may so say, with that of society itself; at least for a long time the advancement is mutual. And not only so, but whenever society advances towards its definitive and modern character, royalty appears to expand and prosper; so that when the work is achieved, and there remains in none, or nearly none, of the great states of Europe any other important and decisive influence than that of the government and the body of the nation, it is royalty which forms the government.

It has thus come to pass not only in France, where the fact is evident, but in the great majority of the countries of Europe; a little earlier or a little later, and under forms somewhat differently modified, the history of society in England, Spain, and Germany offers us the same result. In England, for example, it was under the Tudors that the old particular and local elements of English society were displaced, broken up, and supplanted by the system of public powers; it was likewise the period in which royalty exercised the greatest influence. There have been the same circumstances in Germany, in Spain, and in all the great European states.

If we proceed out of Europe, and carry our views to the rest of the world, we encounter an analogous fact. We everywhere find royalty occupying an important station, and appearing as an institution perhaps the most general, the most permanent, and the most difficult to prevent, where it did not previously exist, and to eradicate where it had existed. From time immemorial it has possessed Asia. On the discovery of America, all the great states were there found, in different combinations, subjected to the monarchical system. Even in the interior of Africa, wherever nations of any extent are met with, it is the prevailing regime. And not only has royalty penetrated into all quarters, but it has accommodated itself to situations the most various, to civilisation and barbarism, to the most pacific manners—as in China, for example—and to those in which war or the military spirit held predominance; it has established itself at one time in the heart of the system of castes, in societies the most rigorously classified, and at another in the midst of a system of equality, and in societies the most alien to all legalised and permanent classification. Often despotic and oppressive, and again, elsewhere, favourable to the progress of civilisation and liberty, it seems to be a head fitted for a multitude of different bodies—a fruit which may grow from the most diversified germs.

From this fact we might deduce many important and curious consequences. I will take but two; the first, that it is impossible such a result should be the offspring of mere hazard, or of force and usurpation alone, and that a profound and powerful analogy must exist between the genius of royalty considered as an institution, and the nature either of individual man or of human society. Doubtless force mingled at the origin of the institution, and has had a great share in its progress; but when a result like this is met with, when we find a great fact constantly developing or reproducing itself during a long series of ages, and amidst so many varied ramifications, we can never attribute it exclusively to force. Force is a great instrument, an every-day instrument in human affairs, but it is not their moving or highest principles; above force, and the part it enacts, is always hovering a moral cause, which decides the course of affairs. Force, in the history of societies, is like the body in the history of man. The body assuredly holds an important place in the life of man, yet it is not the principle of life. Life circulates within it, but emanates not from it. This also is the case with human societies; whatever part may be borne by force, it does not govern them, or exercise a sovereign sway over their destiny; this is the province of ideas and moral influences, which are hid under the accidents of force, and which, in their concealment, regulate the course of societies. It is undoubtedly a cause of this nature, and not force, which has made royalty so prosperous.

The second fact is scarcely less important. It consists in the flexibility of the institution, its faculty for modification, and for adaptation to a multitude of diverse circumstances. In this it presents a strong contrast; its form is of itself permanent and simple, not offering that great variety of combinations which are perceived in other institutions, and yet it accommodates itself to societies which have the least resemblance to it. It therefore evidently consists with a great diversity, and is linked, either through man himself, or through society, to many different elements and principles.

From not having contemplated the institution of royalty in all its extent; from not having, on the one hand, pierced to its peculiar and invariable principle, to that which makes its essence, and still subsists, whatever may be the circumstances to which it is made applicable; and from not having, on the other, estimated all the variations to which it lends itself, all the principles with which it may enter into alliance; from not having considered royalty under this twofold and expansive point of view, its part in the history of the world has often been mistaken, and erroneous conceptions formed as to its nature and effects.

To embrace these points is the task I impose upon myself, so as to present a complete and precise account of the effects of this institution in modern Europe, whether as flowing from its peculiar principle, or from the modifications it has undergone.

There can be no doubt that the strength of royalty, that moral power which is its true character, does not rest in the personal or self-will of the man who is for the moment king, or that nations, in receiving it as an institution, and philosophers in supporting it as a system, have not intended or wished to subject themselves to the will of one man, which in its essence is narrow, arbitrary, capricious, and ignorant.

Royalty is a thing quite distinct from the will of one man, although it presents itself under that form. It is the personification of the supremacy of right, and of that will which is essentially reasonable, enlightened, just, and impartial, foreign and superior to all individual wills, and having, by virtue of these claims, a right to govern them. Such is the meaning attached to royalty in the minds of nations, and such is the motive of their adhesion to it.

Is it true, then, that there is a sovereignty of right, a will which has the right to govern men! It is certain that they believe so, for they seek, and have constantly sought, and they cannot but seek, to be placed under its empire. Let us conceive, I will not say a nation, but the smallest assembly of men subjected to a sovereign, who is so only ***de facto***, to a power, whose only right is that of force, governing in spite of reason, justice, and truth. Human nature instantly revolts against such

a supposition; it will yield only to some claim of right. The object it wishes to attain, therefore, is, that right should reign, and to it alone will it consent to pay obedience. What is history but the demonstration of the universality of this fact! What has caused the majority of those contests which have worried the life of nations, but a neverceasing effort to make right supreme, so as to range themselves under its empire? And not only nations, but philosophers, firmly believe in its existence, and are incessantly in search of it. What are all the systems of political philosophy but disquisitions for the discovery of right, to give it sovereignty! What do they treat of, unless it be to decide who has the right to govern society? Take the theocratical, monarchical, aristocratical, and democratical systems, do they not all boast of having found out in whom the sovereignty by right resides, and do they not all profess to place society under its legitimate master? I assert again that this is the object of all the speculations of philosophers, as well as of all the efforts of nations.

How could it be otherwise than that both, philosophers and nations, should believe in the veritable existence of a sovereign right? or that they should not constantly be on the search for it? Take one of the most simple propositions in elucidation; let there be some action to work out, or some influence to exercise, over society as a whole, or over some of its members, or even over one man; there is most certainly and indispensably a rule for that action or influence, a legitimate will to follow and apply. Whether we descend to the minor details of the social life, or rise to its greatest events, we find in all a truth to discover, a rational law to infuse into realities. In this consists the sovereignty of right, after which nations and philosophers have never ceased, and, in the nature of things, never can cease, earnestly to yearn.

And now arises the question as to the extent to which the sovereignty of right can be represented, in a general and permanent form, by an earthly power, by a human will. Is there nothing necessarily false or dangerous in granting that it is thereby adequately represented? What is to be thought, in particular, of the personification of the sovereignty of right under the image of royalty? Upon what conditions, and under what limitations, is that personification admissible? These are important questions, which I am not called upon here to discuss, but which I cannot avoid alluding to, or bestowing a few words upon, as I proceed.

I affirm, and the simplest common sense must coincide, that the sovereignty of right, complete and permanent, can belong to no individual, and that all attribution thereof to any human power whatever is false and dangerous. Hence comes the necessity for limiting all powers, whatever may be their names and forms; and hence also comes the radical illegitimacy of every absolute power, whether its origin may rest on conquest, hereditary claim, or election. Differences may exist as to the best means to be employed in establishing the supremacy of right; indeed they must be varied according to times and places; but at no time, in no place, can any power be legitimately the independent possessor of that supremacy.

This principle being laid down, it is nevertheless certain that royalty, in whatever system it is contemplated, protrudes itself as the personification of the sovereign right. Here is the theocratic system; it tells us that kings are the image of God on earth, which means nothing else than that they are the personification of sovereign justice, truth, and goodness. Here are the jurisconsults; they tell us that the king is the living law; which again means that the king is the personification of sovereign right and of the just law which has a prerogative to govern society. Here is royalty itself in a system of pure monarchy; it asserts itself the personification of the state, of the general interest. In whatever conjunction or situation it is beheld, it is always found gathering itself into an allegation of its representing and giving embodiment to that sovereign right which is alone entitled legitimately to govern society.

In this there is no occasion for astonishment. What are the characteristics of supreme right, such as it derives from its very nature? First, it is by itself alone; for as there is but one truth, and one justice, there can be but one supreme right. Furthermore, it is permanent, always the same: truth changes not. It is placed in a situation superior and unknown to all the vicissitudes, all the

hazards, of this world: in some degree it is of this world only as a judge and spectator—such is its part. Now, it is royalty which substantively brings out these rational and natural characteristics of right under the most sensible outward form, and seems their most faithful representative. M. Benjamin Constant has ingeniously likened royalty to a neutral moderating power, raised above the accidents and contests of society, and interfering only in great crises. This is, as it were, the very attitude of supreme right in the government of human affairs. This idea must have had something calculated to convince the judgment, for it passed with surprising rapidity from books to facts. One sovereign made it the very base of his throne, in the constitution of Brazil, in which royalty appears as a moderator, raised above the active powers as spectator and judge.

Under whatever point of view the institution may be regarded, when tested in comparison with sovereign right, it will be found to possess a great external resemblance, naturally calculated to strike the minds of men. Thus, whenever their reflection or their imagination has been turned towards the contemplation or study of the nature of the sovereignty of right and of its essential characteristics, they have inclined towards royalty. As, for instance, in those periods in which religious ideas had predominance, the habitual contemplation of the attributes of God has led mankind to the monarchical system. So, also, when jurisconsults have swayed society, the habit of studying, under the name of law, the nature of the supremacy of right, has been conducive to the dogma of its being personified in royalty. The attentive application of the human intellect to the investigation of the nature and the qualities of rightful sovereignty, when other causes have not interfered to destroy its operation, has invariably given strength and credit to royalty, as portraying its likeness.

Furthermore, there are times peculiarly favourable to this personification, times in which individual forces range through the world with all their accidents and caprices, and in which selfishness rules paramountly over individuals from ignorance and brutality, or from corruption of manners. Then society, abandoned to the conflict of personal wills, and unable to constitute by their free concurrence a common and general will capable of rallying and controlling them, passionately longs for a superior to whom all individuals may be compelled to yield obedience; and as soon as any institution presents itself which bears some of the characteristics of rightful supremacy, and holds out to society its legitimate empire, all cling to it with eager haste as fugitives fly to a sanctuary. This is witnessed in the season of the disorganised youth of nations, in times such as we have surveyed. Royalty is admirably adapted for those eras of anarchy in which society longs for constitution and regularity, and cannot accomplish its aspiration by the free concord of individual inclinations.

There are other times in which, from a totally different cause, it has the same good quality. How did the Roman world, on the verge of dissolution at the end of the republic, still subsist for nearly fifteen centuries under the name of that empire which, after all, was but a continual decay, a prolonged agony! Royalty alone could have produced such an effect, it alone could have repressed a society which corruption was perpetually tending to destroy. Thus the imperial power bore up for fifteen centuries against the ruin of the Roman world.

Hence there are periods in which royalty alone is able to retard the dissolution of society, and also periods in which it alone can accelerate its formation. And in both cases it exercises this power over events, because it represents more vividly and energetically the sovereignty of right than any other form of government.

Upon the whole, therefore, we may conclude that in every aspect under which the institution is viewed, and in every epoch that it is taken, its essential character, its moral principle, its real and inherent spirit, and that which constitutes its strength, consists in its being the image, the personification, the presumed interpreter of that single, supreme, and essentially legitimate will which alone holds the right to govern society.

Let us now consider royalty under the second point of view—that is to say, with regard to its

flexibility in the vast variety of the parts it has played, and of the effects it has produced. It is incumbent on us to find a reason for it, and to determine its causes.

We have here an advantage, as we can immediately plunge into history, and into our own history too. By a singular concourse of circumstances, it has come to pass that royalty has assumed in modern Europe all the characters under which it has displayed itself in the history of the world. If I may be allowed to use an arithmetical expression, European royalty has been in some degree the multiplicand of all possible species of royalty.

My intention is to take its history from the fifth to the twelfth century, in the course of which it will be made evident under how many distinct phases it presents itself, and to what extent that character for variety, complication, and conflict which belongs to all European civilisation is met with.

In the fifth century, at the period of the great invasion of the Germans, two royalties are before us —the barbarian royalty, and the imperial royalty; that of Clovis, and that of Constantine— each very different in principles and consequences.

The barbarian royalty was essentially elective: the German kings were elected, although their election was not accompanied by the forms to which we are accustomed to attach that idea; they were, in fact, military chiefs, bound to render their power freely acceptable to a great number of companions, who obeyed them as the bravest and ablest. Election, therefore, was the true source of barbarian royalty, its primitive and essential characteristic.

I do not mean to state that even in the fifth century this quality had not been somewhat modified, or that other elements had not been introduced into royalty. The different tribes had had their chiefs for a certain time; some families had raised themselves to more consideration, trust, and wealth than others. This gave a beginning to the hereditary principle; the chief was no longer elected out of particular families. This was the first circumstance of a different order which became associated to the predominant principle of election.

Another idea or element had also previously been infused into the barbarian royalty, springing from religious feelings. We find amongst some of the barbarian nations—for example, amongst the Goths—the conviction that the families of their kings were descended from their gods, or from the heroes whom they had made gods—from Odin, for instance. It is the situation of the kings of Homer, who had sprung from gods or demigods, and under that title were the objects of a sort of religious veneration, notwithstanding the narrow limits of their power.

Such was barbarian royalty in the fifth century, already exhibiting different and fluctuating characteristics, although its primitive principle still prevailed.

Now I take the Roman or imperial royalty, and find it perfectly distinct. It was the impersonation of the state, the inheritor of the sovereignty and majesty of the Roman people. In the royalty of Augustus and Tiberius, the emperor was the representative of the senate, of the comitiæ, of the entire republic; them he succeeded, and combined in his own person. The modest pretensions of the first emperors, of those at least who were men of sense, and understood their position, give proof of this fact. They felt themselves before the people so lately supreme, and who had abdicated in their favour; they addressed them as their representatives and ministers. But in reality they exercised the whole power of the people, and in the most formidable intensity. Such a phenomenon is easy for us to comprehend, as we have ourselves witnessed it: in the history of Napoleon we have seen the sovereignty pass from the people into the hands of one man. He also was the impersonation of the sovereign people, as he perpetually said. 'Who ever was elected, like me, by eighteen millions of men! Who is so perfect a representative of the people as I!' he was accustomed to exclaim. And when we read on his coins, 'The French republic' on one side, and 'Napoleon, emperor,' on the reverse, does it not prove the fact as I describe it, the

people merged into a king?

In this was exemplified the fundamental character of the imperial royalty, which it preserved for the three first centuries of the Empire, as it was only under Diocletian that it took its definitive and complete form. At that time, however, it was on the point of undergoing a great modification; a new species of royalty was about to appear. Christianity had laboured for three centuries to introduce the religious element into the Empire; and under Constantine it succeeded, not in making it paramount, but in enabling it to perform an important part. Then royalty presented itself under a totally different aspect; its origin ceased to be of the earth; the prince was not the representative of the public sovereignty, but the image of God, the delegate and representative of Heaven. Power came down to him from on high, whilst in the imperial royalty it had come up from below. These two positions were quite distinct, and had analogous results. The rights of liberty and political guarantees were difficult to combine with the principle of religious royalty; but the principle itself was elevated, moral, and salutary. Let us see the idea formed of the prince in the seventh century, amid the system of religious royalty. I take it from the canons of the council of Toledo.

> 'The king is called king (***rex***) because he governs justly (***recte***). If he acts with justice (***recte***), he possesses legitimately the name of king; if he acts with injustice, he perishes miserably. Therefore our fathers rightly said, "Thou wilt be king if thou perform just actions; but if thou do not so act, king thou wilt not be." [Footnote 12] The two principal royal virtues are justice and truth (the science of truth, reason).
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> [Footnote 12: Rex ejus eris si recta facis; si autem non facis, non eris. (The reverend fathers of Toledo have here indulged a sort of play on the words ***rex*** and ***recta***.)]
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> 'The royal power is bound, like the whole body of the people, to pay respect to the laws. Obeying the behests of Heaven, we give, as well to ourselves as to our subjects, wise laws, to which our own majesty and that of our successors is bound to render submission, as well as all the population of our kingdom.
>
> 'God, the creator of all things, in disposing the structure of the human body, has placed the head on high, and has willed that thence should proceed the nerves of all its members. And he has placed in the head the torch of the eyes, in order that thence should be discerned all things that might be noxious. And he has there established the seat of intelligence, imposing on it the duty of governing all the members, and discreetly regulating their action. Therefore is it necessary, in the first place, to make order for what concerns princes, to provide for their safety and protect their lives, and afterwards to prescribe what affects the people; so that by guaranteeing, as is fitting, the safety of kings, that of the people may be at the same time and more effectually secured.' [Footnote 13]
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> [Footnote 13: Forum Judicum, tit. i. 1. 2; tit. i. 1. 2. 1. 4.]

But another element besides royalty itself almost always intruded itself into the system of religious royalty. A new power seated itself by its side, a power more connected with God, and therefore with the source whence the royalty emanated, than royalty itself. This was the ecclesiastical power, which came forward to interpose between God and kings, and between kings and people, so that royalty, the image of the Divinity, ran the chance of sinking to a mere instrument of human interpreters of the Divine will. Here was a new cause of diversity in the destinies and effects of the institution.

Such were the various orders of royalty which manifested themselves amid the wreck of the Roman Empire in the fifth century—namely, the barbarian royalty, the imperial royalty, and the rising religious royalty. Their fortunes were as diverse as their principles.

In France, under the first race, the barbarian royalty prevailed. There were several attempts on the part of the clergy to impress on it the imperial or the religious character; but election in the royal family, with some mixture of hereditary right and religious ideas, remained predominant.

In Italy, amongst the Ostrogoths, the imperial royalty overcame the barbarian manners. Theodoric asserted himself the successor of the emperors. The pages of Cassiodorius bear sufficient evidence to this character of his government.

In Spain, royalty appeared more religious than elsewhere. As the councils of Toledo were, I will not say the masters, but the influencing power, the religious character held the sway, if not in the government, properly so called, of the Visigoth kings, at least in the laws with which the clergy inspired them, and the language it caused them to hold.

In England, amongst the Saxons, the barbarian manners subsisted almost entire. The kingdoms of the heptarchy were no more than the domains of different bands having each its chief. Military election was more clearly displayed there than anywhere else. The Anglo-Saxon royalty was the most faithful type of the barbarian.

Thus, from the fifth to the seventh century, whilst the three sorts of royalty manifested themselves in general affairs, some one prevailed, according to circumstances, in each of the different states of Europe.

The confusion was such at that epoch, that nothing general or permanent could be established; and through a maze of vicissitudes we arrive at the eighth century, without finding that royalty had taken a definitive character in any quarter.

Towards the middle of the eighth century, upon the triumph of the second race of Frank kings, affairs become more generalised and capable of explication. Inasmuch as events were accomplished upon a larger scale, their results were proportionately increased, and they themselves more easy to be understood. We then distinctly perceive the different royalties succeed and combine with each other in a short space of time.

At the period that the Carlovingians supplanted the Merovingians, a return to the barbarian royalty is visible; the system of election reappears. Pepin got himself elected at Soissons. When the first Carlovingians gave kingdoms to their sons, they took care to have them accepted by the great men of the countries which they assigned them; and whenever they made a partition, they were anxious to have it sanctioned in national assemblies. In a word, the elective principle, under the form of a general acceptation, reassumed some reality. It will be borne in mind that this change of dynasty was like a new invasion of Germans into the west of Europe, bringing back a certain portion of their ancient institutions and manners.

In the same period the religious principle was more unequivocally introduced into royalty, and exercised a greater influence upon it. Pepin was acknowledged and crowned by the Pope. He had need of a religious sanction; it was already a tower of strength, and he availed himself of it. Charlemagne took the same precaution; the religious royalty was gaining development. But under Charlemagne that character did not grow predominant, for the imperial royalty was what he attempted to resuscitate. Although he closely allied himself with the clergy, he made use of them, and was not their instrument. The idea of a universal state, of one prodigious political unity—in fact, the resurrection of the Roman Empire—was the favourite contemplation and dream of Charlemagne.

Louis le Debonnaire (the Good-hearted) succeeded him. Every one knows the character the royal power momentarily assumed in his reign. He fell into the hands of the clergy, who censured, deposed, re-established, and governed him. The subordinate religious royalty seemed on the point of organisation.

Thus, from the middle of the eighth to the middle of the ninth century, the variety of the three royal systems was exemplified in considerable, connected, and palpable events.

After the death of Louis le Debonnaire, the three sorts of royalty almost equally disappeared amid the anarchy into which Europe was plunged; everything was jumbled together. After a certain interval, when the feudal system prevailed, a fourth royalty presented itself, different from all those we have hitherto contemplated—namely, the feudal royalty. This species is very confused and difficult to define. It has been said that the king, in the feudal system, was the suzerain of suzerains, the chief of chiefs; that he was held by fixed ties, through the different degrees, to the whole society; and that in calling around him his vassals, then the vassals of his vassals, and so on, he called the whole nation, and showed himself truly a king. I do not deny that this was the theory of the feudal royalty; but it was a mere theory, which never governed facts. That general influence of the king by means of the graduated organisation, those ties which united royalty to the entire feudal society, exist only in the dreams of publicists. In fact, the majority of the feudal lords were at that epoch completely independent of royalty; many of them scarcely knew it by name, and had no, or very trifling, relations with it. All the sovereignties were local and separate. The name of king, borne by one of the feudal chiefs, expressed a thing past rather than present.

This is the state in which royalty presented itself in the course of the tenth and eleventh centuries. In the twelfth, in the reign of Louis the Fat, things began to change in aspect; the name of the king was more frequently invoked, his influence penetrated into places to which it had previously never approached, and in fact his part in society became decidedly more active. Yet we do not find that this increased sway was owing to any one of the titles by which royalty had been accustomed to make good its claims. It was not as inheritor of the emperors, or under colour of the imperial royalty, that it waxed in strength, and settled into a firmer consistence. Neither was it by virtue of election, or as an emanation of the Divine power; every appearance of an elective nature had vanished, and the principle of hereditary succession to the throne definitively established; and although religion sanctioned the accession of kings, the minds of men were not at all awed by any religious character in the royalty of Louis the Fat. A new element or character, hitherto unknown, came forth in royalty at that period. A new royalty commenced.

It is scarcely necessary to observe that society was at that epoch in a state of deplorable disorder, and a prey to continual violence. Society had in itself no means of successfully grappling with this shocking condition, or of regaining any regularity or unity. The feudal institutions, those baronial parliaments and seignorial courts, all those forms under which feudalism has been portrayed in modern times, as a systematic and well-ordered regime, were absolutely null and powerless, possessing nothing which could at all conduce to the re-establishment of order and justice; so that, in the midst of this social desolation, none knew to whom recourse might be had to get reparation for wrong, or to apply a remedy to crying evils—in a word, to constitute a state to however small an extent. The name of king still remained, borne by one of the chiefs; some addressed themselves to him. The various titles by which royalty had previously been recommended were not quite eradicated from all minds, although they had long ceased to exercise any great sway; yet on some occasions they were adduced. It often happened that recourse was had to the king to repress some scandalous course of violence, or to establish some degree of order, in a locality approximate to his own residence, or to terminate a long-standing dispute, so that he was called upon to interfere in affairs that were not strictly his own; and in these interventions he came forward as the protector of public order, as an arbiter, and as a redresser of wrongs. The moral authority which still lingered around his name gradually drew to him this power.

Such was the character that royalty began to assume under Louis the Fat, and under the administration of Suger. Then, for the first time, we perceive arising in the minds of men an idea, although still imperfect, confused, and feeble, of a public power superior to the local powers which had possession of society, invested with authority to render justice to those who could not obtain it by ordinary means, and capable of establishing, or at least of commanding, order; the idea of a great magistracy, whose essential province was to maintain peace, to protect the weak, and to decide differences which none other could terminate. This was the perfectly new character under which royalty presented itself in Europe, and especially France, dating from the twelfth century. It was not in the light either of a barbarian, religious, or imperial royalty, that it exercised its empire; the power it possessed was very limited, imperfect, and occasional; the power, in some degree (I know not any expression more exact), of a great justice of the peace for the whole country.

This is the veritable origin of modern royalty, its vital principle, so to speak; that which has been developed in the course of its career, and which, I do not hesitate to affirm, has been the cause of its prosperity. In the different eras of history we perceive the various characters of royalty, the distinct orders that I have described, endeavouring by turns to reassume preponderance. Thus the clergy have always preached up the religious royalty; jurisconsults have laboured to resuscitate the imperial royalty; and the nobles have sometimes been inclined to renew the elective royalty, or to assert its feudal character. And not only have the clergy, the publicists, and the nobility, striven to make predominant in royalty such or such a character, but it has itself rendered them all subservient to the aggrandisement of its power. Kings have asserted themselves sometimes the delegates of the Almighty, sometimes the successors of the emperors, or the first nobles of the land, according to the exigency or the whim of the moment; they have illegitimately availed themselves of these different titles, but not one of them has been the true title of modern royalty, or the source of its preponderating influence. It is, I once again assert, as the depositary and protector of the public order, of general justice, and of the common interests—under the features of a great magistracy, the centre and nucleus of society—that it has exhibited itself to the eyes of nations, and has monopolised their force by obtaining their adhesion.

As we proceed onwards, we shall see this character of modern European royalty, which commenced with the reign of Louis the Fat in the twelfth century, gain strength, develop itself, and finally become, so to speak, its political physiognomy. It is through it that royalty has contributed to the great result which characterises European societies, the reduction of all the social elements to two—the government and the nation.

Thus, then, Europe, after the termination of the crusades, entered upon the track which was to lead it to its actual state, and we have now seen that royalty took its appropriate part in that great transition. We shall next survey the different attempts at political organisation that were made, from the twelfth to the sixteenth century, with the object of maintaining, by rendering it more regular, the order of things then in vogue, but ready to crumble. We shall inquire into the efforts of feudalism, the church, and even the boroughs, to constitute society after its ancient principles, and under its primitive forms, and thus defend themselves against the general metamorphosis which was in preparation.

Lecture X.
Union Of Elements Of Modern Society.

I think it proper preliminarily to determine the precise object of this lecture.

It will be recollected that one of the most striking facts in the elements of the ancient European society is their diversity, separation, and independence. The feudal nobility, the clergy, and the boroughs, had each a position, laws, and manners, entirely distinct; they were so many separate societies, each governing itself for its own behoof, and by its individual rules and power. They were in mutual relation and contact, but not in a veritable union, nor did they form a nation or state, properly so called.

The fusion of all these societies into one has been accomplished; this is distinctly, as has been seen, the distinguishing fact, the essential character, of modern society. The old social elements have been reduced to two—the government and the nation—that is to say, diversity having ceased, similarity produced union. But before this result was consummated, and indeed to avert it, numerous efforts were tried to render it possible for all these particular societies to live and act in common, without destroying their diversity or independence. Their object was not to make any attack of moment on their individual position, their privileges, or their special nature, and yet to unite them into one single state, to form from them the substance of a nation, and to rally them under one and the same government.

All these attempts failed. The result which I have just mentioned, the unity of modern society, attests their bad success. Even in those countries of Europe where there still subsist some traces of the ancient diversity in the social elements—in Germany, for example, where there are yet a true feudal nobility and a true burgher order, and in England, where a national church is in possession of special revenues and a peculiar jurisdiction—it is clear that this distinct existence is but a semblance and pretence, and that these particular societies are politically confounded in the general society, absorbed in the nation, governed by the public recognised powers, in subjection to one system, and drawn along in the current of the prevailing ideas and manners. Therefore, I repeat, the separation and independence of the old social elements have no sort of reality, even where they are formally sustained.

Nevertheless, these attempts to make them co-ordinate without changing them, to link them to a national unity without abolishing their variety, hold an important place in the history of Europe. They partly fill the epoch upon which we are now engaged, that epoch which divides primitive from modern Europe, and in which was accomplished the metamorphosis of European society. They have, furthermore, had a vast influence upon posterior events, upon the manner in which the reduction of all the social elements to two, government and nation, has been effected. It is therefore of great consequence to investigate and thoroughly understand all the essays at political organisation, from the twelfth to the sixteenth century, designed to create nations and governments, without rooting out the diversity in character of the secondary societies placed side by side. Such is our present task.

It is a difficult and even a painful task. All these attempts at political organisation were assuredly not conceived and framed with good intentions; several were instigated by views of selfishness and tyranny. More than one, however, was pure and disinterested; more than one had really for its object the moral and social wellbeing of mankind. The state of incohesiveness, violence, and injustice in which society was then plunged, was disgusting to great and elevated minds, and they were incessantly devising means to emancipate it. Yet the very best of those noble efforts failed; all that amount of courage, sacrifices, energy, and virtue, was utterly thrown away. Is not this a mournful consideration? And there is upon this point something still more painful, ground for still deeper sadness, when we reflect that not only did these experiments for social amelioration miscarry, but an enormous mass of errors and of evil accompanied them. In spite of good intentions, the greater part were absurd, and avouch a profound ignorance of what reason and justice required, of the rights of humanity, and the conditions upon which the social state is founded; so that not only did the men fail in success, but they deserved their discomfiture. We have here, therefore, the spectacle both of the hard fate of humanity, and of its weakness. And we have also placed in striking light how the smallest portion of truth suffices so completely to dazzle the greatest minds, that they lose sight of all the rest, and become blind to what is not comprised within the narrow scope of their ideas; and so that there be a particle of justice in their cause, to what extent men may overlook all the injustice which that cause involves and sanctions. The contemplation of such a display of the faults and imperfection of human nature is, in my opinion, still more sad than the evil of its condition, for its errors are more afflictive to me than its sufferings. The efforts of which I have to speak will present us with both spectacles. It behoves us, however, to encounter them, and at the same time to be just towards those men and those times that have so often mistaken the right course, and been so signally worsted, but have nevertheless displayed many great virtues, made many noble struggles, and have merited well of fame.

The attempts at political organisation formed between the twelfth and sixteenth centuries were of two sorts. The first, those that had for their object the giving predominance to some one of the social elements, making all the others subordinate to it, and producing unity at that sacrifice; the clergy, the feudal nobility, and the boroughs, each in turn attempted this. The next, those that were designed to make all the particular societies harmonise and act together, leaving to each its independence, and securing to it an adequate share of influence.

The first description of efforts is, much more than the second, open to the suspicion of selfishness and tyranny. They were, in fact, more frequently tainted with those vices; indeed, from their very nature, they were essentially tyrannical in their modes of action. Some of them, nevertheless, might be, and in truth were, conceived in the pure spirit of promoting the good and the advancement of humanity.

The first which offers itself to our notice was the attempt at theocratic organisation—that is to say, the design of subjecting the different societies to the principles and empire of the ecclesiastical society.

What I said upon the history of the church will be recollected. I there endeavoured to demonstrate what principles had gained development within its own pale, what share of legitimacy each of those principles possessed, how naturally they flowed from the course of events, and what services they rendered, and what evil they perpetrated. I there characterised also the different states through which the church had passed from the eighth to the twelfth century, under its various aspects, as the imperial, the barbarian, the feudal, and finally the theocratic church. Those circumstances must be borne in mind whilst I am on the topic of what the clergy did to monopolise power in Europe, and the causes of their miscarriage.

The theocratic organisation was very early attempted, as is evinced both in the acts of the court of Rome and in those of the general body of the clergy. It resulted naturally from the political and moral superiority of the church; but from the commencement of its efforts, it encountered

obstacles which it never succeeded in breaking through, even in its greatest vigour.

The principal opposition arose from the nature of Christianity itself. Very different from the majority of religious creeds, Christianity was established by persuasion alone, simply by moral influences. From its earliest stages it was never armed with force; it prevailed in the first ages by the Word alone, and it prevailed only over minds. Hence it happened that even after its triumph, when the church was in possession of great wealth and consideration, it never found itself invested with the direct government of society. The purely moral origin of the church, and the merely persuasive character of its action, pervaded its condition at all times. It had considerable influence, but did not wield power. It insinuated itself into the municipal magistracies, and exercised great sway over the emperors and all their agents; but the actual administration of public affairs, the government, properly so called, was never possessed by the church. Now, a system of government, theocracy or any other, cannot be established in an indirect manner, or by means of mere influence; it must perform the functions of judge, administrator, and commander, gather taxes, disburse revenues; in a word, govern and take positive possession of society. When action is limited to persuasion, much certainly may be effected, and great control exercised, both over nations and governments; but a system of rule or political supremacy is not thereby founded, nor future stability sufficiently provided for. This was the position of the Christian church on account of its very origin; it was always on a level with the actual government of society, but it never could thrust it aside and take its place. This great obstacle to its attempts at theocratic organisation it never was able to surmount.

Very early in its career, also, the church encountered a second. When the Roman Empire fell, and the barbarian states were founded, the church was composed of the vanquished race. Its first object was to emerge from this position by converting the conquerors, and thus raising itself to their rank. When this labour was accomplished, and when the church aspired to dominion, it encountered the disdain and resistance of the feudal nobility. This was a prodigious service which lay-feudalism rendered to Europe. In the eleventh century, the people were almost completely subjugated by the church, and the sovereigns were scarcely able to stand up against it. The feudal nobility alone scorned the yoke of the clergy, and refused to bow before them. It is sufficient to recall the general features of the middle age, to be convinced of the singular mixture of pride and submissiveness, of blind belief and freedom of spirit, that prevailed in the relations of the lay lords with the priests. In this we discern some remnants of their relative primitive situation. It will recur to the mind of the reader that I have previously endeavoured to describe the origin of feudalism, its first elements, and the manner in which the earliest feudal society was formed around the abode of the fief-holder. I then remarked upon the fact of the priest being at that period under the lord. Now there always remained in the minds of the feudal nobility a remembrance or fueling of that position, and they always regarded themselves not only as independent of the church, but as superior to it, and as alone entitled to possess and actually govern the country. They were always disposed to live on good terms with the church, but not to abandon their own claims, or give in to those set up by it. Thus, during many ages, it was the lay aristocracy which maintained the independence of society with regard to the church; it proudly defended itself, when monarchs and people were tamely crouching. It was the first to enter an opposition, and it contributed more perhaps than any other force to render the attempt to give society a theocratic organisation abortive.

A third obstacle stood equally opposed to it, one upon which, in general, very little stress has been laid, and even its effects erroneously judged.

Wherever a body of priests has seized upon society, and subjected it to a theocratical organisation, we find that this empire has devolved upon a married clergy, recruiting itself within its own folds, and rearing children from their infancy in, and for, the same profession. Look at Asia and Egypt: all the great theocracies were the work of a clergy forming of itself a complete society, sufficing for all its own purposes, and dependent for nothing from without.

The Christian clergy were placed in a totally different situation, owing to the celibacy of the priests. In order to perpetuate their own body, they were obliged to have perpetual recourse to the lay society, and to seek their means of durability from out all the social positions and callings. Doubtless great pains were taken to assimilate these foreign elements, by infusing into them the spirit of the institution, but not with full success: something of the origin of the new-comers always remained: whether burghers or nobles, they invariably preserved some trace of their ancient spirit and primitive condition. There is no question but that this celibacy, by giving to the Catholic clergy a situation altogether peculiar, and divested of participation with the interests and general life of mankind, was a powerful promoter of their isolation; but it has also forced them into constant and close connection with the lay society, to recruit and renew their members, and thus exposed them to receive and undergo some portion of the moral revolutions which were accomplished in that society. Therefore I do not hesitate to aver that this ever-recurring necessity has infinitely more impeded the success of the attempt at theocratical organisation, than the spirit engendered by the institution, and strongly maintained by celibacy, has been able to promote it.

The church finally encountered, within its own bosom, powerful adversaries to its attempt. The unity of the church is a thing perpetually talked of, and it is true enough that it has diligently laboured to attain it, and has done so in certain respects. But let us not be led away by imposing words, or a few partial facts. What society has been torn by more civil dissensions, or suffered more disruptions, than the clerical? What nation has been more divided, broken up, or varied, than the ecclesiastical nation? The national churches, in the majority of the countries of Europe, have been in almost constant strife with the court of Rome; councils have risen against popes; heresies have been innumerable and inextinguishable; and schisms have incessantly prevailed: nowhere has there been so much diversity in opinion, so much bitterness and fury in contest, or so much splitting up of power. The internal existence of the church, the dissensions which have broken loose within it, and the revolutions which have shaken it, have been perhaps the greatest obstacle to the triumph of that theocratical organisation which it has striven to impose on society.

All these impediments were in action, and are discernible from the fifth century, at the very commencement of the great attempt which now occupies our attention. They did not, however, prevent it continuing its course, or being in progress for several centuries. Its most glorious moment, its critical day, so to speak, was the reign of Gregory VII., at the end of the eleventh century. It has been already remarked that the predominant idea of Gregory VII. was to subject the world to the clergy, and the clergy to the Papacy—Europe to one vast and regular theocracy. In working out this design, that great man committed, in my opinion, as far as it is permitted us to judge at such a distance from the events, two capital faults, the one in his speculative, the other in his revolutionary character. The first consisted in pompously proclaiming his plan, and systematically parading his principles upon the nature and the rights of the spiritual power, and deducing from them beforehand, as an unbending logician, the most remote consequences. He thus menaced and attacked all the lay sovereignties of Europe, before he had made sure of his means to subdue them. Success in human affairs is not obtained by such a dictatorial process, or by the sanction of a mere philosophical argument. In the next place, Gregory fell into the common error of revolutionists, which is, to attempt more than they can execute, and not to take the possible as the measure and limit of their efforts. To hasten the dominion of his ideas, he engaged in contest with the Empire, with all sovereigns, and with the clergy themselves. He insisted upon consequences being immediate, scorning all regard for existing interests, haughtily proclaiming that he would reign over all kingdoms as well as over all minds, and thus rousing against himself not only the temporal powers, which perceived themselves in imminent peril, but also the freethinkers, who were beginning to come out, and already felt apprehensive of tyranny on thought. On the whole, therefore, Gregory VII. perhaps compromised more than he advanced the cause he was wishful to serve.

Nevertheless, it continued to prosper during the whole course of the twelfth, and up to the middle of the thirteenth century. This was the period in which the church possessed its greatest power and splendour. Yet I do not think it can be strictly said to have made at that epoch any very great

progress. To the end of the reign of Innocent III., it had rather been parading than extending its glory and power. It was at the moment of its greatest apparent success that a popular reaction arose against it in a considerable portion of Europe. In the south of France, the heresy of the Albigenses exploded, which carried off a numerous and powerful society. About the same period, ideas and desires of a similar nature were broached in the north and in Flanders. A little later, Wickliffe, in England, made a talented attack upon the power of the church, and founded a sect which is not yet extinct. The sovereigns were not long in entering upon the same course as the people. It was at the commencement of the thirteenth century that the most powerful and able monarchs of Europe, the emperors of the house of Hohenstaufen, succumbed in their contest with the Papacy. Before that century was over, Saint Louis, the most pious of kings, proclaimed the independence of the temporal power, and promulgated the first pragmatic sanction, which became the base of all the succeeding ones. At the opening of the fourteenth century, the quarrel between Philip the Handsome and Boniface VIII. began to rage, whilst the king of England, Edward I., was not more docile towards Rome. It is clear, therefore, that at this epoch the attempt at theocratic organisation had failed, that the church was thenceforth put upon the defensive, and had so much difficulty in preserving what it had conquered, as to stop all further endeavour to impose its system on Europe. Hence the true date of the emancipation of the lay European society is from the end of the thirteenth century; it was then that the church ceased its pretensions to monopolise it.

For a long time previously, it had renounced that attempt in the very sphere in which it seemed to have the best chance of success. At the very threshold of the church, around its throne in Italy, theocracy had been completely discomfited, and given place to a very different system, to that attempt at democratic organisation of which the Italian republics are the type, and which played so distinguished a part in Europe from the eleventh to the sixteenth century.

What I have already stated upon the history of the boroughs, and the manner in which they were formed, will be recollected. Their establishment was more precocious and powerful in Italy than anywhere else; the towns there were much more numerous and wealthy than in Gaul, Britain, or Spain, and the Roman municipal system had remained there in greater force and regularity. The districts of Italy, besides, were much less suited for the habitation of its new masters than those of the rest of Europe. They had been all cleared, drained, and cultivated, and were no longer covered by forests, so that the barbarians were unable to follow the exciting hazards of the chase, or to lead a life at all analogous to that of their old Germany. Furthermore, a part of that territory did not belong to them. The south of Italy, the Campagna di Romagna, and Ravenna, continued to depend upon the Greek emperors. In this portion of the country the republican system very early gained strength and development, favoured as it was by the distance of the sovereign, and by the vicissitudes of almost constant war. But in addition to the circumstance of Italy not being wholly in the power of the barbarians, those hordes that overran it never remained its undisturbed and definitive possessors. The Ostrogoths were hunted down and destroyed by Belisarius and Narses. The Lombards had little better success with regard to their kingdom: the Franks destroyed it; and at the period of their overthrow, Pepin and Charlemagne judged it expedient, instead of exterminating the Lombard population, to form an alliance with the old Italian population to keep down the recently-subdued Lombards. Therefore the barbarians never were exclusive and tranquil masters of the territory and society of Italy, as they were elsewhere. For this reason, only a very feeble, thin, and scattered feudalism was established beyond the Alps. The preponderance, instead of passing to the inhabitants of the country districts, as had happened in Gaul, for example, continued to adhere to the towns. When this fact unequivocally declared itself, a considerable proportion of the fief-holders, either of their own accord, or impelled by necessity, forsook the country, and settled within the walls of the cities. The barbarian nobles then became burghers. It may be easily imagined how great was the strength and superiority which the towns of Italy gained by this single circumstance, in comparison with the other boroughs in Europe. What was chiefly remarkable in the latter, as has been observed, was the inferior condition and the timidity of their inhabitants. Those burghers, we have seen, were

like desperate freedmen, courageously but painfully struggling against a master always at their gates. Very different was the lot of the Italian burghers; the conquering and the conquered populations were mingled together within the same walls; they had no neighbouring master to defend themselves against; and the majority of the citizens were men free from all time, who asserted their independence and their rights against distant and foreign sovereigns, sometimes against the Frank kings, and sometimes against the emperors of Germany. From these causes sprang the great and precocious superiority of the Italian towns; and whilst miserable boroughs were formed elsewhere with much difficulty, they at once emerged into important republics and states.

Thus the success of the attempt at republican organisation in this part of Europe is explained. It early swamped the feudal element, and became the predominant form of the society. But it was little calculated to extend, or be perpetuated, for it contained but very few seeds of amelioration, a condition necessary to extension and durability.

When we contemplate the history of the Italian republics from the eleventh to the fifteenth century, we are struck with two facts apparently contradictory, and yet incontestable. We perceive an admirable development of courage, activity, and genius, and, as its consequence, great prosperity. A movement and a liberty were there in operation, which were utterly wanting to the rest of Europe. Now, let us ask, what was the real lot of the inhabitants, how were their lives passed, and what was their share of happiness? In this respect the aspect of things is instantly changed. No history, perhaps, is more mournful and gloomy, nor has there ever been an epoch, or a country, in which the destiny of man appears to have been more beset with alarms and disorder, more liable to deplorable hazards, or more afflicted by dissensions, crimes, and calamities. At the same time, there is another fact equally striking. In the political system of the major part of those republics liberty was always diminishing. The deficiency of security was such, that the community was driven to seek for refuge in some system less boisterous and popular than that with which the state commenced. Take the history of Florence, Venice, Genoa, Milan, or Pisa; it is everywhere clear that the general course of events, instead of developing liberty, and enlarging the circle of the institutions, tended to coop up and concentrate power in the hands of a decreasing number of men. In a word, two things were wanting in those republics, so energetic, brilliant, and wealthy, in their outward aspect—namely, security for life, the first condition of the social state, and progressive action in the institutions.

Thence sprang a new evil, which served as an effectual barrier to the farther spread of the attempt at republican organisation. It brought down interference from without, and thenceforth the greatest danger incurred by Italy arose from foreign sovereigns. Yet this peril never succeeded in reconciling the different republics, and making them act in common. Thus several of the most enlightened and patriotic Italians of the present time, deplore the republican system of Italy in the middle ages as the true cause of hindrance to its becoming a nation. It was parcelled out, say they, into a multitude of petty states, so bent on the gratification of their several momentary designs, as to be incapable of confederating together and constituting a united people. It is to them a subject of regret that their country has not passed, like the rest of Europe, through a despotic centralisation, which would have formed it into one nation, and rendered it independent of the stranger. It therefore appears that the republican organisation, even in the most favourable circumstances, did not contain at that era the principle of advancement, of durability, or of extension, and that it was deficient in what regarded futurity. The organisation of Italy in the middle ages may be compared to a certain extent with that of ancient Greece. Greece was likewise a country strewed with small republics, always rivals, often enemies, and occasionally uniting in a common object. The advantage of the comparison rests entirely with Greece. There was undoubtedly much more order, security, and justice in the interior of Athens, Sparta, or Thebes, although history presents us with many instances of iniquity, than in the republics of Italy. Yet we see how short was the political existence of Greece, and how surely weakness followed its minute subdivisions of territory and power. Whenever Greece came in contact with powerful neighbours—Macedonia and Rome, for instance—she yielded at once. Those small republics, so

glorious, and still so flourishing, were unable to coalesce for a common resistance. How much more, then, was the same result sure to happen in Italy, where society and intellect were far less developed, and infinitely weaker, than amongst the Greeks!

If the attempt at republican organisation had so few chances of stability in Italy, where it had originally triumphed, and where the feudal system had been vanquished, it may be readily conceived that in other parts of Europe it was destined to meet a yet more speedy overthrow.

I will take a rapid glance at its fate in various places.

There was a portion of Europe which greatly resembled Italy; namely, the south of France, and the provinces of Spain adjoining it—Catalonia, Navarre, and Biscay. The towns had there likewise gained considerable development, importance, and wealth. Several petty feudal chiefs had allied themselves with the burghers, and a part of the clergy had also embraced their cause, so that the country was actually in a situation very analogous to that of Italy. We therefore find that in the course of the eleventh, and at the commencement of the twelfth century, the towns of Provence, Languedoc, and Aquitaine were disposed to try a political essay, and form themselves into independent republics, upon the model of those beyond the Alps. But the south of France was in contact with a very powerful feudalism, predominant in the north. And upon the occasion of the heresy of the Albigenses, war broke out between feudal and municipal France. The history of the crusade against the Albigenses, commanded by Simon do Montfort, is well known. It was an attack by northern feudalism upon the southern attempt at democratic organisation. In spite of the heroism of southern patriotism, the north carried the victory. It was promoted by the want of political unity, and civilisation was not sufficiently advanced for men to be aware that the deficiency might be remedied by skilful concert. The experiment at republican organisation was therefore put down, and a crusade re-established the feudal system in the south of France.

At a later date, the republican movement succeeded better on the mountains of Switzerland. There the theatre was very contracted, and it had to struggle only against a foreign sovereign who, although possessing superior strength to the Swiss, was not one of the most formidable monarchs of Europe. The contest was maintained with infinite courage. The Swiss feudal nobility also joined in a great measure with the towns; bringing certainly powerful aid, but altering the nature of the revolution which they supported, and imparting to it a more aristocratical and stationary character than it seemed destined to bear. [Footnote 14]

> [Footnote 14: M. Guizot has allowed himself to be carried away by his speculative deduction from history in this description of the early attempts of the Swiss to establish their independence. The movement began in the most rural part of Switzerland, in the three ***forest*** cantons of Schweiz, Uri, and Underwalden, and not in towns, and was almost throughout conducted by peasants. It was only in a portion of Switzerland that feudalism prevailed. Besides, the Swiss cantons are only partially aristocratic—***See Muller's Hist. de la Suisse***.]

I pass to the north of France, to the boroughs of Flanders, to those on the banks of the Rhine, and to the Hanseatic League. There the democratic organisation completely triumphed within the walls of the town; but we can discern from its commencement that it was not destined to extend or to take possession of all society. The boroughs of the north were surrounded and hemmed in by feudalism, by chiefs and sovereigns, so that they were constantly put upon the defensive. They were not calculated to make conquests; their great object was to protect themselves. In this they succeeded; they maintained their privileges, but they were confined to their own precincts. Thus the democratic organisation was shut up and stopped; it never spread over the face of the country.

Such, then, was the state of the republican experiment; triumphant in Italy, but with few chances

of durability and expansion; suppressed in the south of France; victorious, on a small stage, in the Swiss mountains; and restricted to the walls of the towns in the north, in Flanders, on the Rhine, and in the Hanseatic League. Nevertheless, whilst in this state, so palpably inferior in strength to the other elements of society, it inspired the feudal nobility with prodigious alarm. The barons were not only envious of the wealth of the boroughs, but they were afraid of their power; the democratic spirit penetrated into the rural districts, and insurrections among the peasants became more frequent and stubborn. Hence a great coalition was formed by the feudal nobility, throughout almost all Europe, against the boroughs. The contest was not at all equal, for the boroughs were isolated, and had no understanding or intercourse amongst themselves. Doubtless there existed a certain sympathy between the burghers of different countries; the successes or the reverses of the Flemish towns, at war with the Dukes of Burgundy, excited a lively sensation in the French towns, but it was an emotion transitory, and without result; no veritable bond or union was established amongst the different boroughs, nor did they lend any strength to each other. Feudalism, therefore, had an immense advantage over them; but it was itself divided and irreflective, and was far from succeeding in destroying them. When the contest had lasted a certain time, and it had become clear that a complete victory was impossible, there arose a necessity for consenting to recognise these small burgher republics, to negotiate with them, and to receive them as members of the state. Then commenced a new order of things, and a new attempt at political organisation—to wit, the attempt at a mixed organisation, which had for its object the reconciling the different elements of society, the feudal nobility, the boroughs, the clergy, and the sovereigns, and, notwithstanding their mutual deep-rooted antipathy, bringing them to live and act together. This branch of the subject remains to be investigated.

The purposes of the states-general in France, the cortes in Spain and Portugal, the parliament in England, and the diets in Germany, are sufficiently well known. The elements of these different assemblies were the feudal nobility, the clergy, and the burghers, who collected together with the view of uniting themselves into one single society, into one and the same state, and under an identical law and power. This was the tendency and design of them all, under different names.

I will take as the type of this attempt at organisation the states-general of France, as being the most familiarly known. I say familiarly known, and yet the name of the states-general calls up none but vague and imperfect ideas. There is no one who can state with any precision what was fixed or regular in the states-general of France, what was the number of their members, what the subjects of deliberation, or what the periods of convocation, and the duration of their sessions. We know nothing of all these things; it is impossible to draw from history any clear and general results on tins subject. When we inquire into the character of these assemblies in the history of France, they appear to have been purely accidental, a sort of political shift, on the part of the people as well as on that of the kings: a last shift to the kings when they had no money, and were at their wits' ends for expedients; and a last shift to the people, when evil became so intolerable, that the usual remedies for alleviation were exhausted in vain. The nobility and the clergy each took part in the states-general, but they came there with reluctance, and distrustfully, as they were well aware that it was not in them their best means of action lay, or that they could thereby promote their real participation in the government. The burghers themselves were not more eager for the sitting; it was not a right which they exercised with alacrity, but rather a necessity to which they submitted. We find these facts exemplified in the character of the political actions of those assemblies. They were sometimes perfectly insignificant, and sometimes vastly terrible. If the king was the strongest, their humility and docility were extreme; if the situation of the crown was disastrous, if it had an absolute occasion for the assistance of the states, they fell into factious opposition, and became the instruments either of some aristocratic intrigue, or of some ambitious schemers. In a word, they were sometimes mere assemblies of notables, and sometimes veritable conventions. Thus their labours seldom or ever survived them; they promised and attempted much, but did nothing. Not one of the great measures which have really acted on society in France, not one important reform in government, legislation, or administration, has emanated from the states-general. We must not, however, too rashly conclude that they have

been without utility or effect. They have served a moral purpose, which has been generally overlooked, by operating, from time to time, as a protestation against political servitude, and distinctly proclaiming certain tutelary principles; such, for example, as that the country has the right to impose taxes, to interfere in affairs, and to make the agents of power responsible. That these maxims have never perished in France, is chiefly owing to the states-general; and it is certainly not a small service to render to a nation, the keeping up in its manners, and reviving in its recollection, the name and dues of liberty. The states-general effected that good, but they never were a means of government, nor ever entered into a political organisation. They never attained the object for which they were formed—namely, the fusion into one single body of the different societies which subdivided the country.

The cortes of Spain and Portugal present the same result. There are, however, a thousand different attendant circumstances. The importance of the cortes varied according to the kingdoms and the times; in Arragon and Biscay, and amid the contests for the succession to the crown, or the struggles against the Moors, they were more frequently convoked, and more powerful than in other places and periods. In certain cortes—for example, in those of Castile in 1370 and in 1373—the nobles and the clergy were not summoned. There is a multitude of circumstances to be taken into account, if we were to look more narrowly into the events; but in the generalising system, to which I am forced to restrict myself, it is sufficient to affirm that the cortes, like the states-general of France, were but an accident in history, and never a system, a political organisation, or a regular means of government.

The destiny of England was different. I will not enter upon the subject of England at any great length now, as it is my purpose to devote a lecture specially to an inquiry into its political career. I shall only say a few words upon the causes which imparted to it a direction so completely different from that of the continent.

In the first place, there were no great vassals, no subjects in a state individually to oppose royalty, in England. The barons, the great lords, were obliged, at a very early date, to coalesce together, in order to form a common resistance. Thus the principle of association, and manners essentially political, prevailed in the high aristocracy. In the next place, English feudalism, or the possessors of small fiefs, were led be a series of events to which I cannot do more than allude at the present moment, to unite themselves to the burghers, and to sit with them in the House of Commons, which thus possessed a strength far superior to that enjoyed by the continental boroughs, a strength capable of really influencing the government of the country. Now, in the fourteenth century, the state of the British parliament was as follows:—The House of Lords was the king's great council, and effectively associated with the exercise of power; the House of Commons, composed of the deputies of the possessors of small fiefs, and the burgesses, took scarcely any part in the government, properly so called, but it conduced to the establishment of rights, and energetically defended private and local interests. The parliament, considered as a whole, did not yet govern, but it was already a regular institution, adopted in principle as a means of government, and in fact often indispensable. Thus the attempt to reconcile and ally together the different elements of society, in order to form a single political body and veritable state, succeeded in England, whilst it miscarried on the continent.

I will say but one word upon Germany, merely to point out the predominant character of its history. There the attempts to promote a general fusion, unity, and a common political organisation, were followed up with little ardour. The various social elements remained much more distinct and independent than in the rest of Europe. If any proof of this were required, it will be found even in modern times. Germany is the only country of Europe in which the feudal election long prevailed in the creation of royalty. I do not include Poland or the Slavonian nations, which entered at so late a period into the system of European civilisation. Germany is likewise the only country in Europe in which ecclesiastical sovereignties remained, and which preserved free towns having a political and really independent existence. It is therefore clear that the attempt to mould into a single society the elements of the primitive European world, was there

much less active and effective than elsewhere.

I have now brought forward the great essays at political organisation attempted in Europe up to the end of the fourteenth and the beginning of the fifteenth century, and have exhibited their failures. In my progress, I have endeavoured to indicate the causes of that bad success, but in truth they are summed up in one. Society was not sufficiently advanced for unity and amalgamation; everything was still too local, special, and straitened in existences and minds. There were neither general interests nor general opinions capable of controlling particular interests and opinions. The most enlightened and vigorous minds had no idea of a truly public administration or of public justice. It was clearly requisite that a very active and powerful civilisation must first come to mingle, assimilate, and bray together, if I may be so allowed to speak, all these disjointed elements; that an energetic centralisation of interests, laws, manners, and ideas, must be effected; in a word, it was essential that a public power and a public opinion should be created. We have arrived at an epoch in which this great work was finally achieved. Its first symptoms, the state of minds and manners during the course of the fifteenth century, and their tendency towards the formation of a central government, and towards identity of tone in public feeling, will be treated of in the next lecture.

Lecture XI.
Rise Of Nations And Governments.

We are approaching the threshold of modern history, properly so called, the threshold of that society which is our own, the institutions, opinions, and manners of which were forty years ago those of France, are still those of Europe, and yet exercise upon us, in spite of the metamorphosis our revolution has made us undergo, a very powerful influence. It was in the sixteenth century, as I have previously mentioned, that modern society truly commenced. Before entering upon it, I shall give a backward glance at the space we have traversed.

Amidst the ruins of the Roman Empire, we discerned all the essential elements of our Europe; we saw them come out and grow into prominence, each on its own account, and independently. During the first epoch of our history, we became aware of the constant tendency of those elements to separation and isolation, to a local and special existence. Then, when this object appeared attained, when feudalism, the boroughs, and the church, had each taken its distinct form and place, we found them immediately bent upon a reconcilement and union, upon forming themselves into a general society, a national body and government. To obtain that result, all the different systems which co-existed in the various countries of Europe were successively applied to; the principle of social unity, the political and moral nucleus, was sought from theocracy, aristocracy, democracy, and royalty. We have seen that so far these attempts failed, and that no one system or influence was enabled to monopolise society, and by its sway to secure it a really public organisation. We discovered the cause of the failure to consist in the absence of general interests and ideas, in everything being still too special, individual, and local; and it was evident that a prolonged and energetic effort at centralisation was required, to enable society simultaneously to extend and cement itself—in other words, to become at once both great and regular—a goal for which it naturally longs. It was in this state that we left Europe at the end of the fourteenth century.

Europe was not able rightly to understand her position, such as I have endeavoured to display it. She did not know distinctly what were her deficiencies, or what remedies were needful. Yet she applied herself to seek out those remedies as if she had been perfectly aware of them. The miscarriage of all the grand attempts at political organisation having been made apparent, Europe fell naturally, and as if by instinct, into the ways of centralisation. The fifteenth century is characterised by having constantly tended to this result, by having laboured to create general interests and general ideas, to extirpate the spirit of speciality and locality, to unite and rear together existences and minds; in fine, to call into being what had never previously existed on a

large scale—nations and governments.

The outbreak of this fact belongs to the sixteenth and seventeenth centuries; the fifteenth served to prepare it. The object of our immediate inquiry is that preparation, that imperceptible working towards centralisation, both in social relations and in ideas, which was afterwards accomplished by the natural course of events, without foresight or design.

It is after this manner that man advances in the execution of a plan which he has not himself conceived, of which he is even quite ignorant. He is the intelligent and free labourer in a work which is not his own, and which he only recognises and understands at a later date, when it manifests itself outwardly and in realities; and even then, his comprehension is imperfect. And yet it is by him, by the development of his intelligence and liberty, that the work is accomplished. Conceive a great machine, the purpose of which is known to only one mind, but its different pieces are confided to separate workmen, kept apart and strangers to each other. Not one of them is acquainted with the entirety of the work, nor the definitive and general result towards which he is co-operating; nevertheless each executes with intelligence and liberty, by rational and voluntary acts, that with which he has been intrusted. Thus is the plan of Providence as to the world executed by the hands of mortals, and thus co-exist those two facts which break out in the history of civilisation: the one, what it has of fatalism, that which is unaffected by human knowledge and will; and the other, what it is indebted to the liberty and intelligence of man, what he has therein infused of himself, from the operations of his thought and inclination.

In order perfectly to understand the fifteenth century, to obtain a clear and exact knowledge of that precursor of modern society, it will be proper to distinguish the different classes of facts. We will first examine the political facts and changes which have tended to form both nations and governments. We will then pass to the moral facts, and investigate the changes produced in ideas and manners, thence deducing what general opinions were in process of formation.

With regard to political facts, to simplify and expedite our progress, I will take all the great countries of Europe, and show what the fifteenth century made of them, in what state it found and left them.

I will commence with France. The last half of the fourteenth and the first half of the fifteenth century, were the times, as is well known, of the great national wars against the English. It was the epoch in which the struggle for the independence of the territories and name of France against a foreign sway was maintained. It is sufficient to take a glance at history, to perceive with what ardour all classes of society in France, in spite of numberless dissensions and acts of treachery, co-operated in that struggle, and what patriotism was displayed by the feudal nobility, the burghers, and even the peasants. If there were nothing but the history of Jeanne d'Arc to show the popular character of the era, it would be in itself a convincing proof. The Maid of Orleans sprang from the people, and she drew her inspiration and support from the feelings, convictions, and passions prevailing amongst the people. She was viewed with doubt, scorn, and even enmity by the gentry of the court and the chiefs of the army, but the soldiers and the people were her constant adherents. It was the peasants of Lorraine who sent her to the citizens of Orleans. No event could more strikingly evince the popular character of that war, and the feeling which the whole country bore regarding it.

Thus the French nationality commenced to be formed. Up to the reign of the Valois, the feudal character predominated in France, and the French nation, French spirit or patriotism, had no existence. It may be said that France began with the Valois, for it was in the course of their wars, and through the hazards of their fortunes, that the nobility, burgesses, and peasants were for the first time united by a moral tie, by the tie of a common name, a common honour, and an identical desire to subdue the enemy. Still there was no true political spirit, no great principle of unity in the government and the institutions, such as we conceive those terms to mean at the present day. The unity laboured for by France at that epoch was restricted to the glory of its name, to its

national honour, and to the existence of a national royalty, whatever it might be, so that the foreigner was excluded from it. But even in this sense the contest with the English greatly promoted the formation of the French nation and its tendency towards concentration.

At the same time that France was thus morally forming itself, and the national spirit taking development, it was also constituting itself materially, so to speak—that is to say, its territory was arranged, extended, and consolidated. The incorporation of the greater number of the provinces which became France occurred at that period. Under Charles VII., after the expulsion of the English, almost all the provinces which they had occupied, Normandy, Angoumais, Touraine, Poitou, Saintonge, &c. became definitively French. Under Louis XI, ten provinces, of which three were subsequently lost and regained, were united to France; namely, Roussillon and Cerdagne, Burgundy, Franche-Comté, Picardy, Artois, Provence, Maine, Anjou, and Perche. Under Charles VIII. and Louis XII., the successive marriages of Anne with those two kings gave us Brittany. Thus, at the same epoch, and in the course of the same events, the national territory and spirit were conjointly formed; both moral France and physical France acquired together force and unity.

Passing from the nation to the government, we see facts of the same nature accomplished, an advancement to the same result. The French government was never more powerless, or more stripped of unity and connecting ties, than under the reign of Charles VI., and in the first part of that of Charles VII. At the end of that reign, things assumed a very different aspect. There was then evidently a consolidated, extended, and organised power; whilst all the great instruments of government—taxation, military force, and the administration of justice—were arranged upon a great scale, and with an appearance of forming parts of one whole. It was at this time that a standing soldiery was formed, composed of regular companies of cavalry, and archers as infantry. With these forces Charles VII. re-established some order in the provinces desolated by the debaucheries and rapine of the troops, even after the war had ceased. All contemporary historians expatiate upon the wonderful effects of the regular companies. It was at the same epoch that the poll-tax, one of the principal sources of the royal revenue, became perpetual; certainly a heavy blow aimed at the liberty of the people, but which powerfully contributed to the regularity and force of government. At the same time that great instrument of power, the administration of justice, was extended and organised. The number of parliaments was increased. Five new parliaments [Footnote 15] were instituted in a very short space of time; under Louis XI. the parliaments of Grenoble (in 1451), of Bordeaux (in 1462), and of Dijon (in 1477); under Louis XII. the parliaments of Rouen (in 1499), and of Aix (in 1501). The parliament of Paris then also assumed much more importance and stability, both with regard to the administration of justice, and as charged with the police of its jurisdiction.

> [Footnote 15: From the very different meaning implied by the word parliament in Britain, it will be proper to remind the English reader that the parliaments of France were mere local tribunals, invested with scarcely any political or legislative character.]

Therefore under the heads of military force, taxation, and judicature—that is to say, in what forms its essence—the government acquired in France, during the fifteenth century, a character of unity, regularity, and stability which was previously unknown. The public power then definitively supplanted the feudal or local powers.

Identical with this fact was the accomplishment of another change, one less visible and less noticed by historians, but perhaps of still greater importance; namely, that which Louis XI. effected in the manner of governing.

Much has been said of the contest waged by Louis XI. against the nobles of the realm, of their reduction, and of his favour for the burghers and weaker individuals. There is some truth in all that, though much exaggeration has been made use of in describing it; and it is also true that the conduct of Louis XI., with the different classes of society, far oftener disturbed than served the

state. But he did something much more important. Before his time, the government had scarcely ever proceeded except by force, by physical means. Persuasion, address, the art of managing men, and enticing them into the purposed vein—in a word, policy, properly so called, the policy of falsehood and of deceit doubtless, but also of skill and prudence, had previously been little used. Louis XI. substituted in his government intellectual for material means, trickery for force, the Italian system of policy for the feudal. Take the two men whoso rivalship fills that epoch of French history, Charles the Bold, [Footnote 16] and Louis XI.

> [Footnote 16: Charles the Bold was the last Duke of Burgundy. The general reader cannot do better than take a glance at Sir Walter Scott's 'Quentin Durward' for an admirable picture of these two men.]

Charles was the representative of the ancient mode of governing; he proceeded by violence alone, and his appeal was incessantly to war. He was a person incapable of calm or patient reflection, or of addressing himself to the minds of men to mould them into instruments of success. It was, on the contrary, the delight of Louis XI. to avoid the employment of force, and to win men individually, by personal persuasion, or by apt appeals to their interests and understandings. He changed not the institutions or the outward system, but the hidden courses, the tactics of power. It was reserved for modern times to attempt a yet greater revolution, by tending to the substitution of justice in lieu of grasping selfishness, of candid and open dealing for falsehood and secrecy, as well as in the means adopted to gain political ends as in the ends themselves. Yet it was a great step to make, to cease the continual employment of force, to appeal to an intellectual superiority, to govern through the understandings of men, and not by inflicting injuries upon all existences. This Louis XI. commenced, in the midst of his crimes and errors, and in spite of his own perverse nature, at the instigation of his strong intellect alone.

From France I pass into Spain, where I find events of the same nature. It was likewise in the fifteenth century that the national unity of Spain was formed; and in that era was finished, by the conquest of the kingdom of Grenada, the long strife between the Christians and the Arabs. Then also the territory was consolidated: by the marriage of Ferdinand the Catholic with Isabella, the two principal kingdoms, Castile and Arragon, were united under the same power. As in France, the royal power was extended and strengthened; institutions of a harsher order, and bearing names more pregnant with wo, served as its props; instead of parliaments, it was the Inquisition which was established in Spain. It contained the seeds of what it afterwards became: but at the commencement it was very different: it was at first more political than religious, intended rather for the maintenance of order than for the defence of the faith. The analogy between the two countries is carried beyond the institutions to the very persons of the sovereigns. With less subtlety, with less of the mental movement, and with a smaller portion of restlessness and trickery, the character and government of Ferdinand the Catholic greatly resembled those of Louis XI. I attach little importance to arbitrary comparisons, to fantastic parallels, but here the analogy is really profound, and imprinted on general facts as well as on details.

The same result is exhibited in the state of Germany. It was in the middle of the fifteenth century, in 1438, that the house of Austria returned to the empire, and with it the imperial power acquired a stability which it had never possessed before: the form of election became almost a mere consecration of hereditary right. At the end of the fifteenth century, Maximilian I. definitively fixed the preponderance of his house, and the regular exercise of the central power. Charles VII. had been the first in France to create a standing force for the maintenance of order, so also Maximilian in his hereditary states adopted the same means for the same object. Louis XI. had established the post-office in France, and Maximilian introduced it into Germany. In every quarter similar advancements in civilisation universally conduced to the advantage of the central power.

The history of England in the fifteenth century consists of two great events—the war with France outwardly, and that of the Roses inwardly, a foreign and a civil war. These two wars, so different in appearance, tended to the same result. The contest with France was maintained by the

English people with a zeal which turned almost exclusively to the profit of the royal power. This nation, even then more skilful and firm than any other in sparing its troops and its money, abandoned them to its kings at that epoch without foresight or calculation. In the reign of Henry V., a considerable revenue, the rights of customs, was granted to the king for life from his accession to the throne. The foreign war being finished, or nearly so, the civil war, which had been at first connected with it, continued alone, and the houses of York and Lancaster maintained their respective claims with the sword. When a final term was put to their bloody contests, the high English aristocracy was ruined, thinned, and utterly unable to preserve the power which it had exercised in former times. A coalition of the great barons could no longer awe the crown. When the Tudors mounted the throne in the person of Henry VII., in 1485, the era of political centralisation and the triumph of royalty commenced.

In Italy, royalty was not established, at least not under that name; but it is of little moment with regard to the result. The republics fell in the fifteenth century; or where the name still lingered, power was concentrated in the hands of one or a few families; the republican life was burnt to the socket In the north of Italy, almost all the Lombardian republics merged in the duchy of Milan. In 1434, Florence fell under the dominion of the Medicis. In 1464, Genoa became subject to the Milanese. The majority of the republics, great and small, gave place to sovereign houses. Shortly afterwards, the pretensions of foreign sovereigns to the north and south of Italy—to the Milanese on the one hand, and to the kingdom of Naples on the other—began to be advanced.

Upon whatever country of Europe our eyes fall, whatever portion of its history we contemplate—whether it have reference to the nations themselves, or to the governments, to institutions, or territories—we everywhere perceive the ancient elements and forms of society decaying, and ready to disappear. Old traditional liberties are swamped and perish, whilst new powers arise, more regular and concentrated. There is something infinitely mournful in this spectacle of the fall of the old European liberties; and at the period of its occurrence, it inspired the bitterest sorrow. In France, in Germany, and especially in Italy, the patriots of the fifteenth century fiercely, and with the energy of despair, opposed and deplored a revolution, which on all sides was working up to what they had a right to call despotism. We cannot but admire their courage and compassionate their grief, but at the same time we must allow that the revolution in question was not only inevitable, but also useful. The primitive system of Europe, the old feudal and borough liberties, had utterly failed in organising society. Security and progressiveness are the main ingredients in the social state. Any system which does not effect order for the present, and advancement for the future, is vicious, and soon abandoned. This was the fate of the old political forms and liberties in the fifteenth century. They were unable to impart to society either security or advancement. These consequences were to be sought for elsewhere, and from other principles, other means of action. This is the purport of all the facts I have just dilated upon.

Another fact dates from the same epoch, one which has held a great place in the history of Europe. In the fifteenth century, the relation of governments amongst themselves commenced to become frequent, regular, and permanent. Then were formed for the first time those great combinations and alliances, either for peace or war, which ultimately produced the system of the balance of power. Diplomacy in Europe dates from the fifteenth century. In fact, towards the end of that century, we see the principal powers of the continent, the popes, the dukes of Milan, the Venetians, the emperors of Germany, the kings of Spain, and the kings of France, form connections, negotiate, come to understandings, and unite amongst themselves, and balance their respective states. Thus at the time that Charles VIII. made his expedition for the conquest of Naples, a grand league was formed against him between Spain, the pope, and the Venetians. The league of Cambray was arranged some years later (in 1508) against the Venetians. The holy league, directed against Louis XII., succeeded, in 1511, the league of Cambray. All these combinations sprang from Italian politics, from the desire entertained by the different sovereigns to possess its territory, and from the fear that one of them, by seizing upon it exclusively, should gain too great a preponderance. This new order of facts was highly favourable to the development of the royal power. In the first place, from the very nature of the external relations of

states, they can only be managed by one person, or by a small number of persons, and they require a certain degree of secrecy. In the next, the people possessed so little foresight that the consequences of a combination of this description were not appreciated by them; such things had for them no direct, home interest, and therefore they concerned themselves very little respecting them, and left them to the discretion of the central power. Thus diplomacy, as it arose, fell into the hands of the kings; and the idea that it belonged to them exclusively, that the country, even when free, and monopolising the right of levying its own taxes, and interfering in its own affairs, was not permitted to meddle with foreign concerns, was established in almost all minds as a settled principle, as a maxim of common right. Look at the history of England in the sixteenth and seventeenth centuries; we there perceive what power this idea possessed, and what obstacles it opposed to English liberties, in the reigns of Elizabeth, James I., and Charles I. It was always under plea of this principle that peace and war, commercial relations, in a word, all external affairs, belonged to the royal prerogative, that absolute power defended itself against the rights of the country. Nations have been excessively timid in confessing this portion of prerogative, and this shyness has been the more prejudicial to them, since, dating from the epoch upon which we are shortly to enter—that is, from the sixteenth century—the history of Europe is essentially diplomatic. Exterior relations form, for nearly three centuries, the important part of history. Within, the countries were organised, and the settlement of the internal government, on the continent at least, produced no more shocks, and no longer absorbed the whole public activity. Hence the external relations, wars, negotiations, and alliances, are the matters which draw attention, and fill the pages of history. Thus it appears that the greater portion of the destinies of nations have been abandoned to the royal prerogative, to the central power.

It was indeed scarcely possible that it should be otherwise. It requires a great advancement in civilisation, a prodigious development of political comprehension and studies, to enable the public to interfere with credit in affairs of this nature. From the sixteenth to the eighteenth century, the people were very far from possessing any such capability. Take, as an instance, a scene from the history of England at the commencement of the seventeenth century, under James I. His son-in-law, the elector-palatine, having been elected king of Bohemia, had lost his crown, and had even been despoiled of his hereditary states, the palatinate. The whole of Protestantism was interested in his cause, and on that account England was affected with a strong sympathy for his success. There was a powerful ebullition of public opinion to force James to take the part of his son-in-law, and to procure his restoration to the palatinate. The parliament furiously demanded war, promising ample means to sustain it. James was not very eager for it; he eluded the question, made some attempts at negotiation, sent a few troops into Germany, and then came to inform parliament that he would need £900,000 sterling to carry on the war with any chance of success. It was not said, and in fact it does not appear, that his calculation was exaggerated. But the parliament recoiled with surprise and affright at the prospect of such an expense, and it voted, with much reluctance, a sum of £70,000 sterling to re-establish a prince, and reconquer a country some hundreds of miles from England. Such was the ignorance and political incapacity of the public in such matters. It acted without knowledge of facts, and without burdening itself with any responsibility: therefore it was not enabled to interfere with regularity or efficiency. This was the principal reason that caused the external relations to fall into the hands of the central power, for it alone was in a condition to direct them, I will not say for the public good, as that necessarily was not always consulted, but with any continuity and sound sense.

Thus we see that under whatever point of view the political history of Europe of that epoch presents itself to us—whether our attention is directed to the internal state of the countries, or to their mutual relations with each other—whether we look to the administration of war, justice, or taxation—the same general character is in all distinguishable; we perceive everywhere the same tendency to centralisation and unity, to the formation and predominance of general interests and public powers. This was the hidden labour at work in the fifteenth century—a labour which did not then produce any very apparent result, any revolution, properly so called, in society, but which

prepared the way for all. I now proceed to facts of another nature, to moral facts, or those which have reference to the development of the human understanding and of general ideas. We shall there also discern the same phenomenon, and be carried to the same conclusion.

I will commence with an order of facts which has very often been the subject of our inquiry, and which, under various forms, has always occupied an important station in the history of Europe: I mean the facts relative to the church. In our views of affairs in Europe up till the fifteenth century, we have been made aware that the only general and potential ideas operating veritably on the masses were religious ideas. We have seen that the church alone was invested with authority to regulate, promulgate, and prescribe these ideas. Often, it is true, attempts at independence and separation were made, and the church was called upon for its most strenuous exertions to put them down. Those exertions had hitherto been successful; the dogmas anathematised by the church had not taken general and permanent possession of the minds of the people; even the Albigenses had been crushed. Dissent and strife were continual in the bosom of the church, but without any decisive or striking result. At the opening of the fifteenth century, a very different state of things appeared; new ideas, and a public, avowed desire for alteration and reform, agitated the church itself. The close of the fourteenth, and the dawn of the fifteenth century, were illustrated by the great western schism, arising from the translation of the Holy See to Avignon, and the creation of two popes, the one at Avignon, and the other at Rome. The contest between these two papacies is what is called the great schism of the west. It commenced in 1378. In 1409, the Council of Pisa, wishing to bring it to an end, named a third, Alexander V. This proceeding, so far from moderating the violence of the schism, fanned it into additional fury, and instead of two opposition popes, there were three. The disorder and abuses caused by this lamentable dissension went on increasing. In 1414, the Council of Constance assembled at the instance of the Emperor Sigismond. It entered upon a very different matter than naming a new pope; it undertook the reform of the church. It first of all proclaimed the indissolubility of the general council, and its superiority over the papal power. It endeavoured to make these principles recognised as fundamental in the church, and then set about the task of reforming the abuses which had crept into it, especially the exactions by which the court of Rome drew money from the faithful. The better to attain its object, the council named what we would call a committee of inquiry—that is to say, a ***reforming college***, composed of deputies taken from the different nations represented in it. This college was charged to investigate the abuses which tarnished the church, and the means of remedying them, and to make a report to the council, which would deliberate on the modes of execution. But whilst the council was engaged upon the labour, a question was submitted to it—Whether it could proceed to the reform of abuses without the participation of the head of the Church, without the sanction of the pope? It was decided in the negative, by the influence of the Romanist party, supported by honest but timid men; so the council elected a new pope, Martin V ., in 1417. This pope was instructed to present a plan of reform for the church, which was not acceptable, and the council separated. In 1431, a fresh council assembled at Basle, with the same design. It took up and continued the reforming labour of the Council of Constance, but had no better success. The schism which divided Christianity broke out in the assembly likewise. The pope removed the Council of Basle to Ferrara, and afterwards to Florence. A portion of the prelates refused to obey the pope, and remained at Basle; so as there were formerly two popes, there were then also two councils. That of Basle stuck to its projects of reform, and named its own pope, Felix V. After a certain period it migrated to Lausanne, and finally broke up in 1449, without having effected a single object.

Thus the papacy ultimately prevailed, and remained in possession of the field of battle and of the government of the church. The councils had been unable to accomplish what they had undertaken, but the consequences of their acts survived their failure. At the time the Council of Basle miscarried in its essays at reform, certain sovereigns availed themselves of the ideas which it had promulgated, and of the institutions it had recommended. In France, Charles VII. issued the pragmatic sanction, founded on the decrees of the Council of Basle, which he proclaimed at Bourges in 1438. It maintained the election of bishops, the suppression of first

fruits, and the reform of the principal abuses prevalent in the church. The pragmatic sanction was declared the law of the state in France. In Germany, the diet of Mayence adopted it in 1439, and likewise made it a law of the German empire. Thus what the spiritual power had attempted without success, the temporal power seemed determined upon accomplishing.

The reforming projects were destined to encounter fresh reverses. As the councils had failed, so also did the pragmatic sanction. In Germany, it perished with great abruptness; the diet formally abandoned it in 1448, in consequence of a negotiation with Nicholas V. In France, Francis I. likewise gave it up in 1516, and substituted in its stead his concordat with Leo X. Thus the princely reform was not more successful than the clerical. But we are not to conclude that it completely died away. As the councils had done things which left consequences behind, so also had the pragmatic sanction effects which survived it, and were destined to play an important part in modern history. The principles asserted by the Council of Basle were vigorous and fruitful. Some superior and determined men adopted and maintained them. John of Paris, D'Ailly, Gerson, and a great number of distinguished men of the fifteenth century, devoted themselves to their defence. Although the council was dissolved, and the pragmatic sanction abandoned, their general doctrines upon the government of the church, and upon the reforms necessary to be worked out, had taken root in France, and were there perpetuated. They passed into the parliaments, gradually grew into a powerful opinion, and gave birth first to the Jansenists, then to the Gallicans. All that series of maxims and efforts tending to reform the church, which commenced with the Council of Constance and terminated in the four propositions of Bossuet, emanated from the same source, and proceeded to the same goal. It was an identical fact successively transformed. In spite of the failure of the legal and regular attempts at reform in the fifteenth century, they had taken their station in the course of civilisation, and exercised indirectly a prodigious influence.

The councils showed wisdom in pursuing their legal reform, for it alone could avert a revolution. Almost at the same moment that the Council of Pisa endeavoured to bring the great schism of the west to a cessation, and the Council of Constance to reform the church, the first efforts of a popular religious reform broke out with violence in Bohemia. The preachings and progress of John Huss date from 1404, the period that he commenced to teach at Prague. Thus there were two reforms marching side by side; the one in the very bosom of the church, experimented by the aristocratical ecclesiastics themselves, a prudent, timid, and thwarted reform; the other a reform outside the church, opposed to it, violent and fierce. War soon raged between these two powers or designs. The council summoned John Huss and Jerome of Prague to Constance, and condemned them to the stake as heretics and revolutionists. These events are perfectly intelligible to us at the present day. We can very readily understand the simultaneousness of separate reforms, the one undertaken by governments, the other by the people, enemies of each other, and yet emanating from the same source, and conducting to the same end; reforms which, although making war upon each other, actually and definitively agreed in a common object. Such was the occurrence in the fifteenth century. The popular reform of John Huss was momentarily stifled; the war of the Hussites did not break out for three or four years after the death of their master. It continued for a long time with great violence, but the Empire finally triumphed. But as the reform attempted by the councils was unattended with effect, as the object they had pursued was not attained, the popular reform ceased not to ferment; it waited only for an opportunity, and it found one at the beginning of the sixteenth century. Had the reform undertaken by the councils been carried to a beneficial length, the popular reform perhaps would have been prevented. But the success of the one or the other was unavoidable, for their coincidence proves a necessity.

Therefore the state in which the fifteenth century left Europe, as to religious matters, was this: an aristocratical reform had been attempted without success, and a popular reform had been broached and stifled, but was ever ready to explode. But the fermentation of the human mind was not confined at that epoch to the sphere of religious dogmas. It was in the course of the fourteenth century, as is well known, that the Greek and Roman antiquity was restored, so to speak, to Europe. The ardour with which Dante, Petrarch, Boccaccio, and all their

contemporaries, sought out Greek and Latin manuscripts, and gave them to the world, is matter of notoriety. The least discovery of that sort excited an amazing bustle and transport of joy. In the midst of this excitement, a school commenced to be formed, which has played a much more important part in the development of the human understanding than is ordinarily attributed to it; I mean the classical school. I do not attach to this word the meaning in which it is used at present; it was then concerned with anything but a literary system or contest. The classical school of that epoch was inflamed with admiration not only for the writings of the ancients, for Virgil and for Homer, but also for the whole ancient society—its institutions, opinions, and philosophy, as well as literature. It must be confessed that antiquity, under the heads of politics, philosophy, and literature, was far superior to the Europe of the fourteenth and fifteenth centuries. It is not, therefore, at all surprising that it exercised so great an influence, or that the majority of enlightened, active, refined, and fastidious minds conceived an utter disgust for the coarse manners, confused ideas, and barbarous forms of their own times, and gave themselves up with rapture to the study, and almost to the worship, of a society so much more regular, and at the same time so much more developed. Thus was originated that school of freethinkers which appeared at the commencement of the fifteenth century, and in which prelates, jurisconsults, and scholars were united together.

In the midst of this movement occurred the taking of Constantinople by the Turks, the fall of the Eastern Empire, and the settling of the fugitive Greeks in Italy. They brought with them an increased knowledge of antiquity, numerous manuscripts, and a multitude of fresh means by which the ancient civilisation might be more thoroughly studied. The classical school became animated with redoubled admiration and ardour. This was the period of the most brilliant development of the aristocratic church, especially in Italy, not in point of political power, so much as in luxuriousness and wealth. It abandoned itself with lordly pride to all the pleasures of a voluptuous, effeminate, elegant, and licentious civilisation, to a taste for letters and arts, for social and material enjoyments. See the sort of life led by men who bore an important part in politics and literature at that epoch—by Cardinal Bembo, for example. We are astonished at so singular a medley of refined sensuality and intellectual development, of enervated manners and hardihood of mind. We might imagine, in fact, when we survey that era, and behold its ideas and social relations, that we are in the middle of the French eighteenth century. We perceive the same zeal for intellectual movement and for new ideas, the same taste for a soft and agreeable life; in a word, the same effeminacy and libertinism, the same deficiency in political energy and in moral doctrines, accompanied by a remarkable candour and activity of mind. The literati of the fifteenth century were, in regard to the prelates of the church, in the same relation as the men of letters and the philosophers of the eighteenth with respect to the great aristocrats; they were all imbued with the same opinions, all pursued the same course of life, mingled harmoniously together, and looked with indifference on the agitation that was brewing around them. The prelates of the fifteenth century, commencing with Cardinal Bembo, assuredly no more foresaw the rising of Luther and Calvin, than the courtiers had any preconception of the French Revolution. The situation was analogous.

Three great facts, therefore, of the moral order present themselves at this epoch. First, an ecclesiastical reform attempted by the church itself; secondly, a popular movement for religious reform; and lastly, an intellectual revolution, which formed the school of freethinkers. And all these changes were progressing amid the greatest political alteration which had previously occurred in Europe, amid the working towards centralisation in nations and governments.

Nor was this all. It was also the period of the greatest outward activity of mankind—the period of voyages, enterprises, discoveries, and inventions of all sorts. This was the era of the great expeditions of the Portuguese along the coasts of Africa, of the discovery of the passage by the Cape of Good Hope, of the discovery of America by Columbus, and of the wonderful extension of European commerce. A multitude of new inventions came forth, whilst others, previously known in a confined sphere, became popular, and passed into general use. Gunpowder changed the system of war, and the compass changed the system of navigation. The art of oil-painting was

developed, and covered Europe with masterpieces. Engraving on copper, invented in 1460, multiplied and disseminated them. The use of linen paper became common. Finally, between 1436 and 1452, printing was invented, the theme of so much declamation, and of so many commonplaces, but the merit and effects of which will never be obscured by either vapid declamation or nauseous small-talk.

Such was the greatness and activity of this century; a greatness still scarcely apparent, an activity which had not yet brought its results under the disposition of mankind. Violent reforms had been suppressed; governments were consolidated, and the people hushed. It might be imagined that society was preparing merely to enjoy a better order of things, accompanied by a quickened impulse. But the revolutions of the sixteenth century were impending, which the fifteenth had only been preparing. They will be the object of my next lecture.

Lecture XII.
Effects Of The Reformation.

In the course of our inquiry, we have had frequent occasion to lament the disorder and anarchy of European society, and to complain of the difficulty of analysing and depicting a society so scattered, incohesive, and discordant. We have longed for, and impatiently invoked, the era of general interests, of order, and of social unity. We have now reached it, and are entering upon the epoch in which everything is summed into general facts and general ideas, upon the very epoch of order and unity. We there, however, encounter a difficulty of another kind. It has hitherto required great pains to link facts together, to place them in their proper stations, to seize what they possessed in common, and unfold some appearance of a whole. In modern Europe, things are in an opposite vein. All the elements and incidents of the social state are modified by, and act and react upon, each other; the mutual relations of men are far more numerous and complicated; and the same multiplicity and entanglement occur in their relations with the government of the state, in the relations of states amongst themselves, and in the ideas and in all the workings of the human mind. In the periods we have passed through, a great number of facts appeared isolated, alien to each other, and without reciprocal influence. Now, we have no more isolation; all things meet, commingle, and vary as they meet. Can anything be conceived more difficult than to distinguish the veritable unity amid such a diversity, to determine the bent of a movement so extended and complex, to present so prodigious a throng of different elements, all closely linked together, in a general summary; in a word, to predicate the general predominant fact which sums up and expresses a long series of facts, which is the characteristic of an epoch, and the faithful expression of its influence and its action in the history of civilisation?

We shall quickly perceive the extent of this difficulty in the great event which has now to occupy our attention.

We encountered in the twelfth century an event, religious in its origin, if rather the reverse in its nature—I mean the Crusades. Notwithstanding the vastness of the event, its long duration, and the variety of circumstances it produced, it was an easy task to unravel its general character, and to determine with some precision its unity and influence. We have at present to consider the religious revolution of the sixteenth century, that which is commonly called the Reformation. Allow me here to premise, that I shall make use of the word ***reformation***, as of a simple and settled term, synonymous with ***religious revolution***, and without implying a judgment of its nature. Thus on the threshold we perceive how difficult it is to assign the veritable character of that great crisis —to state in a general form what it was, and what it effected.

We must seek for the Reformation between the beginning of the sixteenth and the middle of the seventeenth century, for it was within this interval that the life, so to speak, of the event was

comprised, that it took birth and ended. All historical events have in some sort a limited career. Their consequences are prolonged to infinity, they are connected with all the past and all the future, but at the same time they have a peculiar and restricted existence, in which they arise, expand, and fill with their development a certain portion of space, then shrink and retire from the stage to give place to some new occurrence.

The precise date that we assign to the origin of the Reformation is of little importance. We may take the year 1520, in which Luther burnt publicly at Wittemburg the bull of Leo X. which condemned him, and thus severed himself officially from the Roman church. It is between this year and the middle of the seventeenth century, the year 1648, the date of the treaty of Westphalia, that the life of the Reformation is comprised. Here is the proof of it. The first and greatest effect of the religious revolution was to create two classes of states in Europe—the Catholic and the Protestant—to bring them in front of each other, and engage them in war. With a variety of vicissitudes, that war lasted from the commencement of the sixteenth to the middle of the seventeenth century. It was not until the treaty of Westphalia, in 1648, that the Catholic and Protestant states came finally to a reciprocal recognition, agreed upon a mutual existence, and undertook to live in society and in peace, in spite of the diversity in religion. Dating from 1648, diversity in religion ceased to be the predominant principle in the classification of states, or in their external policy, relations, and alliances. Up till that epoch, Europe, with certain modifications, was essentially divided into a Catholic league and a Protestant league. After the treaty of Westphalia, this distinction disappeared, and states became allied or divided from very different considerations than religious dogmas. At that point, therefore, the preponderance, or rather the career, of the Reformation was stopped, although its consequences did not cease their course of development.

Let us now go hastily over this career, and, without doing more than naming events and men, let us touch upon what it contains. By this mere indication, by this dry and partial nomenclature, we shall see what must be the difficulty of summing up a series of facts, so varied and complex, into one general fact, and of determining the veritable character of the religious revolution of the sixteenth century, and assigning its station in the history of our civilisation.

The Reformation broke out during the prevalence of a great political crisis—namely, the contest between Francis I. and Charles V., between France and Spain. This contest commenced for the possession of Italy, was continued for that of the German empire, and finally raged for preponderance in Europe. It was the period in which the House of Austria rose to predominance. It was likewise at the time that England, under Henry VIII., interfered in continental politics with more regularity, consistency, and effect, than it had previously done.

Viewing the course of events in the sixteenth century in France, we find it a prey to the great religious wars between the Protestants and Catholics, which became the means and the occasion of a new attempt on the part of the great lords to regain the power which was slipping from them, and to control royalty. This was the political meaning of our religious wars, of the league, of the struggle of the Guises against the Valois, which was terminated by the accession of Henry IV.

In Spain, during the reign of Philip II., the rebellion of the United Provinces exploded. The Inquisition, under the name of the Duke of Alva, waged war against civil and religious liberty, under that of the Prince of Orange. Whilst liberty triumphed in Holland, through the perseverance and prudent measures of the Netherlander, it utterly perished in Spain itself, where absolute power, both lay and ecclesiastical, reigned supreme.

In England occurred the reigns of Mary and Elizabeth; the war between Elizabeth, the head of Protestantism, and Philip II.; the advent of James Stuart to the throne of England; and the beginning of the great quarrel of royalty and the people.

About the same period, new powers arose in the north. Sweden was reintegrated by Gustavus Vasa in 1523. Prussia was created by the secularising of the Teutonic order. [Footnote 17] The northern powers then took a place in European politics which they had not previously occupied, the importance of which was shortly to be evinced in the thirty years' war.

> [Footnote 17: Perhaps M. Guizot would have been a little more accurate if he had stated that the House of Brandenburg gained a large accession of territory, as Prussia was not, in fact, created until the second year of the eighteenth century, nor was that designation used in history until that period.]

I return to France. There we have the reign of Louis XIII.; Cardinal Richelieu changing the internal administration of the country, entering into relations with Germany, and affording support to the Protestant party. In Germany occurred the struggle against the Turks during the latter part of the sixteenth century, and at the commencement of the seventeenth the thirty years' war, the greatest event in modern eastern Europe: then flourished Gustavus Adolphus, Wallenstein, Tilly, the Duke of Brunswick, and the Duke of Weimar, the greatest names that Germany has yet to boast of.

At the same epoch, Louis XIV. ascended the throne of France, and the Fronde commenced. In England, the revolution which dethroned Charles I. exploded.

Thus I take only the greatest events in history, events which every one knows by name, and we see how great are their number, variety, and importance. If we inquire into events of another nature, events less palpable, and which are less indicated by general allusions or names, we shall find the era in question equally replete with them. It was at this time that the greatest changes in the political institutions of almost all nations took place, that pure monarchy prevailed in the majority of the great states, whilst in Holland the most powerful republic in Europe was formed, and in England the constitutional monarchy definitively, or nearly so, triumphed. In the church, it was the era in which the ancient monastic orders lost almost all political power, and were replaced by a new order of another character, whose importance, wrongly perhaps, is held as far superior to theirs—the Jesuits. In the same epoch, the Council of Trent eradicated what

might yet remain of the influence of the Councils of Constance and Basle, and secured the final triumph of the court of Rome in ecclesiastical affairs. If we leave the church, and cast an eye upon philosophy, upon the unshackled career of the human mind, we see two men arise, Bacon and Descartes, the authors of the greatest philosophical revolution which the modern world has undergone, and the chiefs of two schools disputing with each other for mastery. It was also the brilliant period of the Italian literature, and the era in which French and English literature commenced. Finally, it was the time during which the great colonies were planted, and the most active developments of the commercial system were stimulated.

Thus, whether we regard the political, ecclesiastical, philosophical, or literary events of that epoch, we find them more numerous, varied, and important, than in all the ages that had preceded it. The activity of the human mind was manifested in all directions, in the relations of men amongst themselves, in their relations with the public power, in the relationships of states, and in purely intellectual operations; in a word, it was an era of great men and great things. And during this very age, the religious revolution which engages our attention was the greatest of all its events, its predominant fact, that which gives to it its name, and determines its character. Amongst so many operative causes playing so important a part, the Reformation was the most powerfully operative, that to which all the others tended, and which modified them all, or was by them itself modified. So much so, that our present task is to characterise with truthfulness, to sum up with precision, the event which controlled all the others in an age of the most important events, the cause which effected more than all the others in an age of the most weighty causes.

It will be evident how extremely difficult it is to gather facts so various, so extensive, and so closely interwoven, into one clear historical conclusion. It is, however, necessary. When events are once consummated, when they have become history, the great and essential object with men is to find out the general facts, the connection of causes and effects. This is, so to speak, the immortal portion of history, that to which all generations have need of referring, in order to comprehend the past, and to comprehend themselves. This necessity for generalisation, for arriving at a rational deduction, is the most potent and the most glorious of all the intellectual wants; but in satisfying it, great care must be taken to guard against imperfect and precipitate generalisations. Nothing is more enticing than to yield to the pleasure of fixing immediately, and at first sight, upon the general character and permanent results of such an era or such an event. The human mind is like the human will, ever eager to come to the point, impatient of obstacles and fetters, and urgent for conclusions, willingly overlooking the facts which tease and embarrass it; but whilst disregarding them, it cannot destroy them, and they still subsist to convict it some day of error, and to condemn its precipitancy. There is but one means by which the human mind can escape this danger, and that is, by courageously and patiently devoting itself to the study of facts, before generalising and forming conclusions. Facts are to the thought what the rules of morality are to the inclination. It is bound to ascertain them, and bear their weight; and it is only when it has fulfilled this duty, and when it has formed an accurate idea of its extent, that it is permitted to expand its wings, and take flight to the lofty region whence it may behold all things in their entirety and their results. If it insists upon mounting too quickly, and without having gained a knowledge of all the territory which it has thence to contemplate, the chances of error and failure are beyond calculation. It happens as in the solution of an arithmetical question, where a preliminary mistake leads to others, ***ad infinitum***. Thus in history, if in the first labour all the facts have not been properly investigated, if the taste for precipitate generalisation has been indiscreetly indulged, it is impossible to assign limits to the consequent absurdities.

By so emphatically dilating on this point, I am in some degree prejudicing myself. I have been necessarily restricted in this inquiry to attempts at generalising, to giving general summaries of facts which we have not had leisure to study closely. Having now arrived at an epoch in which this task is much more difficult than at any other time, and when the chances of error are far greater, I have judged it my duty to be explicit in laying down these positions, so that my own deductions may be exposed to their test. Having done this, I shall now proceed to attempt upon the Reformation what I have done upon other events—namely, to endeavour to distinguish its

predominant fact, to describe its general character; in a word, to assign the station and the part of this great occurrence in the progress of European civilisation.

It will be recollected in what state we left Europe at the end of the fifteenth century. We witnessed in its course two great experiments at religious revolution or reform; an experiment at legal reform by the councils, and one at revolutionary reform by the Hussites in Bohemia: both of them we saw stifled and failing in effect; and yet we were made aware that it was impossible to extinguish the spirit, and that it was sure to reproduce itself under one form or another—that, in fact, what the fifteenth century had essayed, the sixteenth would inevitably accomplish. It is not my intention to recount the details of the religious revolution of the sixteenth century; I suppose them to be almost universally known. I am concerned merely with its general influence upon the destinies of the human race.

When investigations have been made into the causes which originated this great event, the adversaries of the Reformation have imputed it to accidents, to evils in the course of civilisation—for example, to the sale of indulgences being intrusted to the Dominicans, which rendered the Augustines jealous; and as Luther was an Augustine, that this, therefore, was the determining motive of the Reformation. Others have attributed it to the ambition of the sovereigns, to their rivalship with the ecclesiastical power, and to the greediness of the lay nobles, who were anxious to get possession of the property of the church. It has been thus wished to explain the religious revolution solely by the worst features in mankind and in human affairs—by private interests and personal passions.

On the other hand, the friends and partisans of the Reformation have attempted to account for it by the mere necessity for effective reform in the abuses of the church; they have represented it as a redressing of religious grievances, as an undertaking conceived and executed with the sole design of reconstituting the primitive and pure church. Neither the one nor the other of these explanations appears to me well founded. The second has more truth than the first; at least it is more noble, more in accordance with the extent and importance of the event, but yet I do not conceive it at all more exact. In my opinion, the Reformation was neither an accident, the consequence of some great chance, or of some personal interest, nor a simple exhibition of religious improvement, the fruit of an imaginary perfection of humanity and truth. There was a cause more powerful than all these would imply, and which rises superior to all the particular causes. It was a great explosion for the liberty of the human understanding, an uncontrollable demand for its free exercise of thought and judgment, by its own powers alone, upon facts and ideas which Europe previously received, or was held bound to receive, from the hands of authority. It was a grand undertaking for the enfranchisement of human thought, and, to call things by their proper names, a rebellion of the human understanding against power in spiritual matters. Such is, as far as I can judge, the veritable character, the general and predominant character, of the Reformation.

When we inquire into the state, at this epoch, of the human mind, on the one hand, and into that of the spiritual power of the church, which had the government of the human mind, on the other, we are struck with a twofold fact.

With regard to the human understanding, we perceive a much greater activity, a much greater craving for development, than it had ever felt. This increased activity was the result of various causes, which had been accumulating for ages. For example, there had been times in which heresies sprang up, occupied some space, and fell to be replaced by others; and there had been times in which philosophical opinions held the same course as heresies. The labours of the human mind, both in the religious and philosophical sphere, had been accumulating from the eleventh to the sixteenth century; and the moment was at last come in which they were destined to have a result. Furthermore, all those means of instruction, instituted or authorised in the bosom of the church itself, were far from being fruitless. Schools had been founded, and from these schools issued men not barren in knowledge, whose number increased daily. These men at

length insisted upon thinking for themselves, and for their own guidance, for they felt themselves more fortified than they had ever previously been. Finally came that revival and youthful vigorousness imparted to the human intellect by the restoration of antiquity, of which I have before described the progress and effects.

All these united causes communicated a highly energetic movement, an imperative necessity for advancement, to the mind of man in the sixteenth century.

The situation of the spiritual power, which exercised government over the human understanding, was very different; it had fallen, on the contrary, into a state of inertness and stagnation. The political influence of the church, or of the court of Rome, was much attenuated; the European society was no longer in its exclusive possession, but had passed under the dominion of lay governments. Nevertheless, the spiritual power preserved all its pretensions, all its prominence, and all its external importance. There happened to it what has more than once occurred to old governments. The majority of the complaints that were alleged against it were scarcely better founded than in many such outcries. It is not true that the court of Rome was highly tyrannical in the sixteenth century, or that the abuses, properly so called, were more numerous or glaring than they had been at other times. On the contrary, the ecclesiastical government had never perhaps been more easy, more tolerant, or more disposed to let things take their course, provided the rights it had hitherto enjoyed were so far recognised as not to render them inoperative, provided it were assured its previous existence, and were paid its accustomed dues. It would willingly have left the human mind undisturbed, if the human mind would have been equally complacent with it. But it is precisely when governments have least vigour, when they do least mischief, that they are attacked, because men can then do so, whereas formerly they could not.

It is therefore evident, from the mere examination of the state of the human mind at this era, and of that of its government, that the character of the Reformation must have been a new burst of liberty, a grand rebellion of human intellect. This was undoubtedly the predominant cause, that which rose above all the others; a cause more influential than all the interests either of nations or of sovereigns, than the demand for reform, properly so called, than the desire for the redress of those grievances which were complained of at that period.

I will suppose that after the Reformation had broken out for some years, when it had paraded all its pretensions, and inventoried all alleged grievances, the spiritual power had suddenly fallen into agreement with it, and had said, 'Well, so be it, I will reform all; I will revert to an order of things more just and religious. I will suppress all annoyances, arbitrary interferences, and tributes; even in matters of faith I will modify, re-interpret, and return to the primitive meanings. But the grievances being thus redressed, I will preserve my position; I will be, as formerly, the government of the human mind, with the same power and the same rights.' Would the religious revolution have been satisfied with these terms, and stopped in its course! I think not; I believe firmly that it would have continued its career, and that, after demanding reform, it would have claimed liberty. The crisis of the sixteenth century was not simply a reforming one; it was essentially revolutionary. It was impossible to remove from it that character in any instance, or its inherent merits and defaults; it had all the consequent effects of such a character.

Let us cast a glance at the consequences of the Reformation; let us see what it mainly, and above all things, effected in the different countries in which it was developed. It is to be observed that it was developed in very various and distinct situations, in the midst of very unequal chances. Now, if we find that, if in spite of the diversity of situations and the inequality of chances, it everywhere followed an identical bent, achieved an identical result, and preserved an identical character, it will be clear that this character, which thus surmounted all the diversities of situation, and all the inequalities of chance, must be the fundamental character of the event, and that the result thus obtained must be that which it essentially aimed at.

Now, wherever the religious revolution of the sixteenth century prevailed, if it did not work out the

complete enfranchisement of the human mind, it procured it a new and considerable increase of liberty. It undoubtedly left thought subject to all the risks of liberty or servitude as to political institutions, but it abolished or disarmed the spiritual power, the systematic and formidable government of the thought. This result the Reformation attained amid the most opposite combinations. In Germany there was no political liberty, nor did the Reformation introduce it; indeed it rather strengthened than weakened the power of princes, and was more adverse to the free institutions of the middle ages than favourable to their development. Nevertheless, it aroused and sustained a liberty of thought in Germany greater perhaps than anywhere else. In Denmark, a country where absolute power prevailed, where it penetrated even into the municipal institutions, as well as into the general ones of the state, the influence of the Reformation wrought the enfranchisement and free exercise of thought in all its directions. In Holland, amidst a republic, and in England, under a constitutional monarchy, and in spite of a religious tyranny long of a very harsh order, the emancipation of the human intellect was likewise accomplished. Finally, in France, in a situation which seemed the least favourable to the effects of the religious revolution, in a country where it had been subdued, there even it was a principle of intellectual independence and freedom. Up till 1685—that is to say, until the revocation of the Edict of Nantes—the Reformation held a legal existence in France. During that long space of time it wrote and discussed, and provoked its adversaries to write and discuss also. This fact alone, this war of pamphlets and conferences between the old and the new opinions, disseminated in France a liberty much more real and active than is generally imagined; a liberty which conduced to the prosperity of science and morality, and to the improvement of the French clergy, as well as to the advantage of thought in general. Let us look at the discussions of Bossuet with Claude, and at the whole of the religious polemics at that period, and then ask ourselves whether Louis XIV. would have sanctioned a similar display of liberty upon any other topic. Thus the Reformation and the opposite party enjoyed more liberty in France in the seventeenth century than was allowed to any person or thing besides. The religious spirit was then much bolder, and treated its questions with far less reserve, than the political spirit, even of Fenelon in his Telemachus. This state of things did not cease until the revocation of the Edict of Nantes. Now, from 1685 to the outburst of the human intellect in the eighteenth century, there were not forty years; and the influence of the religious revolution in furtherance of intellectual liberty had scarcely ceased, when that of the philosophical revolution commenced.

Thus we see that wherever the Reformation penetrated, wherever it played an important part, whether victorious or vanquished, it had, as a general, predominant, and invariable result, a prodigious advancement to the activity and liberty of thought, a grand tendency to the emancipation of the human understanding from thraldom.

And not only had the Reformation this constant result, but it aspired to none other; wherever that was obtained, it was contented, and very rarely sought for anything further, so much was it the groundwork of the event, its primitive and fundamental character! Thus in Germany, so far from demanding political liberty, it accepted, I will not say political servitude, but the absence of freedom. In England, it consented to the hierarchical constitution of the clergy, and the existence of a church as full of abuses as ever the Roman church was, and much more servile to power. How came it to pass that the Reformation, so fierce and stubborn in many respects, thus showed itself so accommodating and supple? Because it had achieved the general fact to which it tended —the abolition of the spiritual power, and the enfranchisement of human thought. I repeat, wherever it attained that object, it easily reconciled itself to all systems and situations.

Now let us take the reverse side of this examination, and let us see what happened in those countries where the religious revolution did not penetrate, or was early stifled, or was unable to gain any development. History shows that the human mind was not enfranchised: two great countries, Spain and Italy, distinctly attest the fact. Whilst in those portions of Europe where the Reformation has held an important station, the human intellect has taken, in the three last centuries, an activity and freedom previously unknown, in those where it has not penetrated it has fallen in the same epoch into weakness and inertness; insomuch, that the trial and the

counter-trial have been made, as it were, simultaneously, and produced analogous results.

Therefore the essential character of the Reformation, the most general consequence of its influence, the predominant fact of its destiny, was the outburst of thought and the abolition of absolute power in spiritual matters.

I call it a ***fact***, and I say so designedly. The emancipation of the human intellect was in reality, in the course of the Reformation, a fact rather than a principle, a result rather than an intention. The Reformation in this respect, I think, performed more than it had undertaken, more perhaps than it even wished. Unlike many other revolutions which have remained greatly in arrear of what they intended, in which the event has fallen far short of the design, the consequences of the Reformation surpassed its views. It is greater as an event than as a system; what it effected it did not fully foresee, nor would have fully avowed.

What were the reproaches which its adversaries constantly fulminated against the Reformation? Which of its results did they cast, so to speak, in its teeth to reduce it to silence?

Two principal ones: 1***st***, the multiplicity of sects, the boundless license of the understanding, the destruction of all spiritual authority, and the dissolution of the religious society as a whole; 2***nd***, tyranny and persecution. 'You provoke license,' said they to the reformers; 'you produce it; and when it appears, you wish to restrain and repress it. And how do you repress it? By the harshest and most violent measures. You also persecute heresy, and by virtue of an illegitimate authority.'

Survey and sum up all the great attacks directed against the Reformation, severing the purely dogmatical questions, and these are the two fundamental upbraidings to which it will be found they always reduce themselves.

The reformed party was greatly embarrassed at these accusations. When the multiplicity of sects was objected to it, instead of avowing the fact, and asserting the legitimacy of their free development, it anathematised sectarians, deplored their appearance, and denied them. Was it taxed with persecution? It defended itself with some perplexity; it alleged necessity; and had, as it said, the right to repress and punish error, for it was in possession of the truth. Its dogmas and institutions were alone legitimate; and if the Roman church had no authority to punish the reformers, it was because it was in the wrong as against them.

And when it was not its enemies, but its own offspring, that upbraided the dominant party in the Reformation with its persecutions, when the sectarians, whom it anathematised, said to it, 'We only do what you have done; we only separate ourselves as you have separated yourselves,' it was still more puzzled to find an answer, and very frequently only replied by additional rigour.

Thus, in fact, whilst labouring for the destruction of absolute power in spiritual matters, the religious revolution of the sixteenth century was ignorant of the true principles of intellectual liberty. It was busy enfranchising the human mind, and still pretending to govern it by the law; in practice it was giving prevalence to free examination, whilst in theory it was merely purposing to substitute a legitimate for an illegitimate power. It did not rise to the first cause, nor descend to the last consequences, of its own work. Hence it fell into a twofold fault. On the one hand, it neither knew nor respected all the rights of the human thought; at the moment that it clamoured for them, for its own behoof, it violated them with others. On the other hand, it was unable rightly to estimate the rights of authority in the intellectual order of things: I do not speak of coercive authority, which could possess no rights in such matters, but of the purely moral authority, acting upon the understanding alone, and merely by way of influence. The greater part of the reformed countries were deficient in a good organisation of the intellectual society, and in regulating the action of old and general opinions. They could not reconcile the rights and demands of past times or tradition with those of liberty; and the cause was undoubtedly owing to this circumstance, that the Reformation never fully comprehended and accepted either its own principles or its own

consequences.

Thence, also, it was invested with a certain aspect of inconsistency and narrow-mindedness which frequently gave a hold and advantage over it to its adversaries. These latter knew perfectly well both what they were doing and what they desired; they traced their conduct to certain principles, and avowed all their consequences. There has never been a government more consistent and systematic than that of the Roman church. In practice, the court of Rome has greatly vacillated and yielded, much more than the Reformation; but in principle, it has far more completely followed out its own system, and held a conduct infinitely more coherent in all its parts. This perfect knowledge of what is done, and what is wished to be done, this complete and thoughtful adoption of a doctrine and a design, give considerable strength to a party. The religious revolution of the sixteenth century presented in its progress a striking example of it. It is well known that the principal power instituted to contest with it was the order of Jesuits. Take a glance at their history: they everywhere failed; and wherever they interfered to any extent, they brought misfortune upon the cause they meddled with. In England, a race of kings was their victims; in Spain, the people. The eternal nature of things, the development of modern civilisation, and the liberty of the human understanding, all those powers against which the Jesuits were called upon to struggle, rose up against them, and vanquished them. And not only did they miscarry, but what were the means they were constrained to employ? No lustre or grandeur marked their actions; they performed no brilliant events, nor did they put in movement imposing masses of men; they transacted matters by under-hand, obscure, and subordinate modes—ways which were not at all calculated to strike the imagination, or to secure for them that public sympathy which is attracted by great circumstances, whatever may be their principle and design. The party against which they strove, on the contrary, was not only victorious, but conquered with renown, effecting great things by great means; it aroused the people, strewed Europe with illustrious men, and changed in the face of day the fate and constitution of states. In fact, every thing was against the Jesuits, both fortune and appearances; neither the good sense which decides success, nor the imagination which has need of pomp, were consulted in their career. And yet nothing is more certain than that they had greatness; a great idea is attached to their name, their influence, and their history. It is because they knew what they were doing, and what they wished to do; because they had a full and clear conception of the principles upon which they acted, and of the object to which they conduced—that is to say, they had grandeur of thought and of intention, which saved them from the ridicule which is always attached to repeated reverses and despicable means. Where, on the contrary, the event was greater than the design, where a knowledge of the first principles and final results of the action seemed to be wanting, there remained something imperfect, inconsistent, and contracted, which placed the very conquerors in a sort of rational and philosophical inferiority that has sometimes made its influence be felt in events. This was, I conceive, the weak side of the Reformation in the contest between the two spiritual systems, the old and the new, which frequently embarrassed its situation, and prevented it from defending itself as efficiently as it ought to have done.

I might consider the religious revolution of the sixteenth century under several other aspects. I have said nothing, nor intend to say anything, upon its purely dogmatical phase, upon what it effected in religion, properly so called, or as to the relations of the human soul with God and eternity; but I might exhibit it in the variety of its relations with the social order, deducing throughout results of immense importance. For example, it recalled religion to the bulk of the laymen, to the world of the faithful; previously, religion was, so to speak, the exclusive domain of the clergy, of the ecclesiastical order, who distributed its consolations, but alone disposed of the groundwork, and almost solely possessed the right to speak of it. The Reformation caused religious doctrines to re-enter into general circulation, and it reopened the field of faith to believers, into which they had lost their right to penetrate. It had, at the same time, a second result: it banished, or nearly so, religion from politics; it restored independence to the temporal power. At the very same moment that religion re-entered, so to speak, into the possession of the faithful, it parted from the government of society. In the reformed countries, notwithstanding the

diversity of ecclesiastical constitutions—in England even, where that constitution is more akin to the ancient order of things—the spiritual power has no longer any serious idea of directing the temporal.

I might enumerate many other consequences of the Reformation, but I must restrain myself, and be satisfied with having brought out its principal character—the emancipation of the human understanding, and the abolition of absolute power in the spiritual order of things; an abolition which undoubtedly was not complete, but nevertheless the greatest advance in that direction which had been made up to our own time.

Before concluding, I shall say a few words upon the striking similarity of destiny that is observable between the civil and the religious societies, in the revolutions to which they have been subjected in the history of modern Europe.

The Christian society commenced, as I before explained when speaking of the church, by being a perfectly free society, formed solely by virtue of a common creed, without institutions, without government, properly so called, regulated merely by moral and fluctuating powers, according to the wants of the moment. Civil society also commenced in Europe, partially at least, by bands of barbarians; a society perfectly free, in which each remained because he wished it, without laws or instituted powers. Upon the termination of that state, which could not be reconciled with any great social development, the religious society placed itself under a government essentially aristocratical; it was governed by the clergy, the bishops, councils, and ecclesiastical aristocracy. A fact of the same nature occurred in the civil society, upon issuing out of barbarism, it falling equally under the domination of an aristocracy or lay-feudalism. The religious society left the aristocratic form to enter that of pure monarchy; for such was the purport of the triumph of the court of Rome over the councils and over the European ecclesiastical aristocracy. The same revolution was accomplished in civil society; it was also by the destruction of the aristocratical power that royalty prevailed and took possession of the European world. In the sixteenth century, an insurrection broke out in the bosom of the religious society against the system of pure monarchy, against absolute power in spiritual things. This revolution drew in its train, established and consecrated, the spirit of free inquiry in Europe. In our own days, we have witnessed a similar event in the civil order. The temporal absolute power has been equally attacked and vanquished. Thus we see that the two societies have gone through the same vicissitudes, and suffered the same revolutions; but the religious society has always been in the van in this career.

We are now in possession of one of the great facts of modern society—the spirit of free inquiry, or the liberty of the human understanding. We have also seen that, at the same time, political centralisation prevailed almost everywhere. In my next lecture I shall treat of the English Revolution—that is to say, of the event in which the spirit of free examination and pure monarchy, both the results of the progress of civilisation, found themselves for the first time in array.

Lecture XIII.
Effects Of The English Revolution.

We have seen that, in the course of the sixteenth century, all the elements and facts of the ancient European society had gathered into two essential facts—the spirit of free inquiry, and the centralisation of power. The one prevailed in the religious society, and the other in the civil. Thus the emancipation of the human mind and pure monarchy achieved their triumphs at the same time.

A struggle between these two facts was pretty sure at some period to take place, for there was something contradictory between them; the one was the defeat of absolute power in spiritual

affairs, and the other its victory in temporal affairs; the one promoted the decay of the old ecclesiastical monarchy, and the other perfected the ruin of the old liberties of feudal and borough times. Their simultaneousness continued, as we have seen, until the revolutions of the religious society marched quicker than those of the civil; the first came forth at the period of the enfranchisement of individual thought, whilst the last only declared itself at the instant of the concentration of all the powers into one general power. The coincidence in time of the two facts, therefore, far from accruing from their similarity, did not even moderate their contradictory natures. They were each an advance in the course of civilisation, but advances linked to different situations, and of distinct moral dates, so to speak, although coincident in time. That they should clash with each other before they succeeded in blending harmoniously, was inevitable.

Their first battle-field was England. The principle of the English Revolution was the struggle of free inquiry, the fruit of the Reformation, against the ruin of all political liberty, the fruit of the success of pure monarchy; an attempt to abolish absolute power in temporal as well as in spiritual affairs. Such is the character of that revolution in the course of our civilisation.

Why did this contest occur in England rather than elsewhere? Why were the revolutions of a political character more nearly simultaneous with those of a moral character in that country than on the continent?

The English royalty had undergone the same vicissitudes as the continental; in the reign of the Tudors, it reached a pitch of concentration and energy which it had never before known. I do not mean to say that the practical despotism of the Tudors was more violent, or more hurtful to England, than that of their predecessors had been. There were, I have no doubt, quite as many acts of tyranny, exactions, and violations of right under the Plantagenets as under the Tudors, and perhaps more. I am also of opinion that at this epoch the government of monarchy on the continent was more rough and arbitrary than in England. The new fact under the Tudors consisted in absolute power becoming systematic; royalty pretended to a primitive, indefeasible sovereignty, and assumed a tone and held a language which it had not previously ventured upon. The theoretical pretensions of Henry VIII., Elizabeth, James I., and Charles I., were far different from those put forth by Edward I. or Edward III., although practically the power of these last-named kings was neither less arbitrary nor extensive. I repeat, it was the principle or rational system of the monarchy which changed in England, during the sixteenth century, rather than its practical power; royalty claimed to be absolute and superior to all laws, even to those which it declared itself willing to respect.

On the other hand, the religious revolution was not accomplished in England as upon the continent; it was the work of the kings themselves. Not that the seeds of a popular reform had not long existed there also, and even put forth some shoots, which in all probability would have grown rapidly to maturity, but Henry VIII. took the initiative, and royalty led the way to revolution. It thence resulted, at least in the beginning, that as a reform of ecclesiastical abuses and tyranny, as a liberation of the human mind, the English reformation was much less complete than on the continent. It was made, as a matter of course, in the interests of its authors. The king and the retained episcopacy divided the spoils, both of wealth and of power, of the preceding government, the papacy. The consequence was not long in being felt. It was said that the reformation was made, whilst the greater part of the motives which had rendered it desirable still subsisted. It reappeared, therefore, under the popular form, clamouring against the bishops as it had exclaimed against the court of Rome, and accusing them of being so many popes. Whenever the general fate of the religious revolution was jeopardised, whenever it was a question of war against the ancient church, all portions of the reformed party rallied together, and confronted the common enemy; but the danger being over, the internal struggle recommenced, the popular reformation renewed its attack on the royal and aristocratical reformation, denounced its abuses, complained of its tyranny, and called upon it to keep its promises, and not to reproduce the power which it had so recently subverted.

About the same epoch, a movement for liberation, a craving for political liberty formerly unfelt, or at least not strongly, arose in the civil society. In the course of the sixteenth century, the commercial prosperity of England increased with extreme rapidity, and at the same time territorial wealth or landed property changed hands to a great extent. Sufficient attention has not been paid to the fact contained in the increased division of landed estates in the sixteenth century, in consequence of the ruin of the feudal aristocracy, and from many other causes which it would be too tedious to enumerate here. All authorities show us the number of landed proprietors prodigiously augmenting, and estates passing in a great measure into the possession of the ***gentry*** or small nobility, and the burgesses. The high nobility, or House of Lords, was at the commencement of the seventeenth century not nearly so rich as the House of Commons. There was therefore a great development of industrial resources and a great mutation in landed property at one and the same time. Contemporary with these two facts came up a third, the new movement of mind. The reign of Elizabeth is perhaps the era of the greatest literary and philosophical activity in England, the epoch of fertile and bold thoughts. The Puritans pushed unhesitatingly to all the consequences of a narrow but strong doctrine; other spirits, less moral and more liberal, careless of principle or system, welcomed with eagerness all ideas which promised satisfaction to their curiosity or aliment to their zeal for knowledge. Wherever the intellectual movement is hailed with delight, liberty soon becomes a necessity, and it promptly passes from the public mind into the government.

In some of the continental countries where the Reformation had broken out, a desire of the same nature, a certain longing for political liberty, had indeed manifested itself also, but the means of success were wanting to this new spirit; it knew not where to fix itself, finding no basis either in institutions or manners, but remaining vague and uncertain, seeking in vain how to set about satisfying itself. In England, it happened quite otherwise: there the spirit of political liberty, which reappeared in the sixteenth century, consequent upon the Reformation, had a basis and means of action in the ancient institutions, and in the whole social state.

There is no person who is ignorant of the first origin of the free institutions of England, or how the coalition of the great barons, in 1215, wrested from King John ***Magna Charta***. It is not so generally known that the great charter was renewal and confirmed at repeated intervals by the majority of the kings. There were more than thirty confirmations of it between the thirteenth and sixteenth centuries. And not only was the charter confirmed, but new statutes were made in order to strengthen and develop it. It continued to subsist, therefore, without break or interval. At the same time the House of Commons was formed, and had taken its place in the supreme institutions of the country. It was under the race of the Plantagenets that it veritably took root; not that it played any great part in the state at that epoch, for the government, properly so called, did not come within the scope of its functions, even as a mere influence; it interfered only when it was called upon by the king, and almost always did so with reluctance and hesitation, as if fearing to engage and compromise itself, and displaying no eagerness to augment its power. But when it concerned the defence of private rights, the fortunes or dwellings of the citizens, individual liberty, in a word, the House of Commons upon such occasions performed its mission with great energy and constancy, and established all the principles which have become the basis of the English constitution.

After the Plantagenets, and especially under the Tudors, the House of Commons, or rather the whole parliament, presents itself under another aspect. It ceased to defend individual liberty so strenuously as under the Plantagenets. Arbitrary arrests, and violations of private rights, became much more frequent, and were oftener passed over in silence. As a counterpoise, the parliament held a greater place in the general government of the state. Henry VIII., for instance, needing a public support or instrument in order to change the religion of the country, and to regulate the succession to the throne, made use of the parliament, and especially of the House of Commons. Under the Plantagenets it had been an instrument of resistance, an assertor of private rights; under the Tudors it became an instrument of government, a participator in general politics; so that, at the end of the sixteenth century, although it had served or suffered almost all descriptions

of tyranny, its importance had nevertheless greatly increased; its power was founded—that power upon which, in truth, representative government is based.

Therefore, when we refer to the state in which the free institutions of England stood at the end of the sixteenth century, we find the following facts:—First, certain maxims and principles of liberty, which had been constantly recorded, and of which the country and the legislature had never lost sight; secondly, certain precedents or examples of liberty, greatly mingled, it is true, with contrary precedents and examples, but sufficing to legitimate and give efficacy to remonstrances, and to support the advocates of liberty in the struggle commenced against arbitrary power or tyranny; thirdly, certain special and local institutions, fruitful as seeds of liberty, as juries, the right of assembly, and of being armed, and the independence of the municipal administrations and jurisdictions; fourthly, and finally, the parliament and its power, of which royalty had more need than ever, as it had alienated the greater part of its independent revenues, its domains, feudal rights, &c. and was obliged to have recourse, for its own sustenance, to the vote of the country.

The political state of England in the sixteenth century was thus quite different from that of the continent. In spite of the tyranny of the Tudors, and in spite of the systematic predominance of pure monarchy, there was nevertheless a substantial basis and assured means of action for the new spirit of liberty.

Two national demands were therefore coincident at this epoch in England. On the one hand, a demand for religious revolution and liberty amidst the reformation already introduced; and on the other, a demand for political liberty amidst the pure monarchy then in progress. These two spirits were also enabled to adduce, for their own advancement, what had previously occurred in either the one or the other direction. As was natural, they formed an alliance. The party bent on the pursuit of religious reform, invoked political liberty to the succour of its faith and its conscience against the king and the bishops; and the friends of political liberty courted the aid of the popular reformation. The two parties united to struggle against absolute power in temporal and in spiritual affairs—a power altogether concentrated in the hands of the king. Such was the origin and meaning of the English revolution.

It was essentially consecrated to the defence or the conquest of liberty. To the religious party it was a means, to the political party an object; but with both, the question at issue was one of liberty, and they were obliged to pursue it in common. There was not any real religious quarrel between the Episcopal and the Puritanical parties; the contest was not joined upon dogmas, upon objects of faith, properly so called; not that there were not between them substantial differences of opinion upon important and grand points, but that was not the principal and capital matter in dispute between them. Practical liberty was what the Puritan party wished to wrest from the Episcopal party, and it was for that it struggled. There was, undoubtedly, also a religious party, which had a system to found, and peculiar dogmas, an ecclesiastical discipline and constitution of its own, to make prevalent—namely, the Presbyterian party; but although it laboured to attain its objects with all its might, it was not in a condition to put forward all its claims in these respects. Placed upon the defensive, oppressed by the bishops, and unable to effect anything without the sanction of the political reformers—its necessary allies and chiefs—liberty was for it the predominant interest; it was, indeed, the general interest and common object of all the parties which co-operated in the movement, however great their diversity. Taking everything, therefore, into consideration, the English revolution was essentially political. It was accomplished amidst a religious people, and in a religious age, and religious ideas and passions served it as instruments; but its fundamental purpose and definitive end were political—the establishment of liberty, and the abolition of absolute power.

I shall go through the different phases of this revolution, and decompose it into the great parties which followed each other in it. I will afterwards connect it with the general course of European civilisation, and denote its place and influence therein. It will be seen by the detail of facts, as it appeared at first sight, that it was really the earliest shock of the free spirit of inquiry with pure monarchy, the earliest explosion of the antagonistic principles of those two great powers.

Three principal parties came forward in this influential crisis; three revolutions were in some sort continued and successively produced upon the stage. In each party, in each revolution, two several parties were allied and marched in conjunction—the one of a political, and the other of a religious cast. The first took the lead, and the second followed, but each was necessary to the other; insomuch that the twofold character of the event is distinctly marked in all its phases.

The first party which appeared—that under whose banner all the others at first ranged themselves—was the party aiming at legal reform. When the English revolution commenced, when the Long Parliament assembled in 1640, everyone said, and many sincerely believed, that a legal reform would meet all difficulties, and that there was sufficient in the ancient laws and usages of the country to afford a remedy for all abuses, and to establish a system of government in perfect conformity with the public desire. This party loudly blamed, and was sincerely anxious to prevent illegal taxation, arbitrary imprisonments, and all acts, in fact, condemned by the

recognised laws of the land. At the base of its ideas was the belief in the sovereignty of the king —that is to say, in absolute power. A secret instinct forewarned it that there was in that dogma something false and dangerous, so it would willingly have avoided allusion to it; but urged to extremity, and forced to explain itself, it admitted that there resided in royalty a power superior to all human origin and all control, and defended it when needful. It held, at the same time, that this sovereignty, absolute in principle, was bound to respect in its exercise certain rules and forms, and that there were certain limits beyond which it could not go; and furthermore, that these rules, forms, and limits were sufficiently established and guaranteed in ***Magna Charta***, in the confirmative statutes, and in the old common law of the country. Such was its political creed.

In religious matters, the legal party thought that episcopacy had greatly encroached, that the bishops had too much power, that their jurisdiction was too extensive, and that it was necessary to restrict it, and keep guard over its exercise. Nevertheless, it strongly adhered to episcopacy, not only as an ecclesiastical institution, and as a system of church government, but also as a necessary support to the royal prerogative, and as a means for defending and sustaining the supremacy of the king in religious affairs. The doctrines of the sovereignty of the king, in the political order of things, to be exercised according to legal recognised forms and within the like limits, and of the supremacy of the king in religious matters, administered and supported by episcopacy, were maintained in the twofold system of the legal party. Its chief men were Clarendon, Colepepper, Lord Capel, and even Lord Falkland, although a warmer advocate for popular liberties, and it reckoned in its ranks almost all the great lords who were not servilely devoted to the court.

Behind them advanced a second party, which I will call that of political revolution. This held that the ancient guarantees, the ancient legal barriers, had been, and were, insufficient; that a great change, a veritable revolution, was required, not in the forms, but in the real essence, of the government; that it was necessary to deprive the king and his council of their independent power, and place political preponderance in the House of Commons; and that the government, properly so called, belonged to that assembly and its chiefs. This party did not investigate its own ideas or intentions so clearly or systematically as I have done, but these were the main features of its political doctrines and tendencies. Instead of the absolute sovereignty of the king, or of pure monarchy, it rested its belief in the sovereignty of the House of Commons as representing the country. Under this idea was concealed that of the sovereignty of the people, an idea of which the party was far from estimating all the bearings, or from intending all the consequences, but which suggested itself to it, and was embraced under the form of the sovereignty of the House of Commons.

The religious party of the Presbyterians was closely united with the party of political revolution. The Presbyterians wished to effect a revolution in the church analogous to that which their allies meditated in the state. They wished to have the church governed by assemblies (presbyteries), and to lodge religious power in a hierarchy of assemblies working into each other, as their allies wished to lodge political power in the House of Commons. But the Presbyterian revolution was more bold and complete, for it aimed at changing the form, as well as the groundwork, of church government, whilst the political party aspired only to displace influences and preponderance, and did not contemplate any overthrow in the form of the institutions.

Thus the chiefs of the political party were not all favourable to the Presbyterian organisation of the church. Several of them— Hampden and Holles, for example—would have preferred a moderate episcopacy, restricted to functions purely ecclesiastical, and permitting increased liberty of conscience. However, they gave in to it, for they could not spare their fanatical allies.

A third party demanded still more. This alleged that it was necessary to change at once the groundwork and the form of the government, that the whole political constitution was vicious and disastrous. This party threw aside the past history of England, and rejected all national institutions and traditions, in order to found a new government upon pure theory, in as far at least

as it conceived a theory. It was not only a revolution in the government that it designed to accomplish, but also a social revolution. The party of which I have just spoken, the party of political revolution, was anxious to introduce great changes into the relations of the parliament with the crown, and wished to extend the power of the houses, especially of the Commons, to invest them with the right of nomination to great public offices, and with the supreme direction of general affairs; but its schemes of reform went not beyond these points. It had no idea of changing, for instance, the electoral, the judicial, the administrative, or the municipal system of the country. The republican party meditated all these changes, publicly asserted their necessity, and designed, in a word, to remodel not only the public powers, but the social relations, and the distribution of private rights.

Like the preceding, this party also was composed of a religious and of a political portion. In the latter class were the real theoretical republicans, Ludlow, Harrington, Milton, &c. By their side were ranged the republicans from circumstances and interest, the principal chiefs of the army— Ireton, Cromwell, and Lambert— all more or less sincere in their first impulse, but soon controlled and led by personal views and the necessities of their situation. Around them was rallied the religious republican party, composed of all the enthusiastic sects which recognised no power as legitimate but that of Jesus Christ, and, whilst waiting for His coming, desired the government of His elect. At the tail of the party was a rather considerable number of libertines and fantastical dreamers, the former promising themselves a career of licentiousness, the latter equality of goods and universal suffrage.

In 1653, after twelve years of contest, all these parties had successively appeared and failed in their designs. They ought at least to have been convinced of this result, and it is certain that the public was so. The legal party, quickly thrust aside, had seen the ancient constitution and laws spurned and trampled under foot, and innovations penetrating on all sides. The party of political revolution witnessed parliamentary forms perish in the novel use to which it was wished to apply them; after twelve years of domination, it saw the House of Commons reduced, by the successive expulsion of the Royalists and the Presbyterians, to a very small number of members, despised and detested by the public, and utterly incapable of governing. The republican party seemed to have succeeded best; it had, in appearance, remained master of the field of battle; the House of Commons counted scarcely more than fifty or sixty members, all republicans. They might believe and call themselves masters of the country; but the country resolutely refused to allow itself to be governed by them, and they were incapable of giving effect to their will in any quarter; they had no means of action either on the army or the people. No social bond or safety any longer subsisted; justice was not rendered, or, if it were, it was not justice; its administration was directed by party-spirit, chance, or malice. And not only was there an absence of all safety in the relations of society, but there was none even on the high roads; they were covered with robbers and brigands. Thus physical as well as moral anarchy prevailed, and the House of Commons and the republican council of state were utterly inefficient to preserve order.

The three great parties of the Revolution, then, had been successively called upon to conduct it, to govern the country according to their ability and theories; and they had been found incapable of doing so; they had all three completely failed, and were writhing powerless. 'It was then,' says Bossuet, 'that a man was found who left nothing to fortune that he could place beyond its reach by counsel and foresight;' an expression quite erroneous, and which all history belies. No man ever left more to fortune than Cromwell; none ever exposed more to hazard, or proceeded with more temerity, without design or object, but the determination to go as far as fate would permit him. Cromwell is characterised by a boundless ambition and an admirable skill in converting each day and each circumstance into a means of progression, the art of turning fortune to account, without presuming to direct it. He displayed qualities such as perhaps no man who has pursued a career at all analogous ever evinced; he was suited for all the phases, the most distinct and varied, of the revolution. He was equally a man for the first as for the last of its periods: in the beginning, the instigator of insurrection, the promoter of anarchy, and the most fierce revolutionist in England; subsequently, the man of reaction, the re-establisher of order and

of social organisation; thus playing by himself alone all the parts which, in the usual course of revolutions, are divided amongst the greatest actors. We cannot say that Cromwell was a Mirabeau; he wanted eloquence, and in the first years of the Long Parliament, although highly active, he made no figure. But he was successively Danton and Bonaparte. He had more than any other contributed to prostrate power, and he raised it up because none other could assume and wield it. Some government was requisite, and all aspirants to the conduct of one miserably failed; but he succeeded. Once master of the government, this man, whose ambition had shown itself so daring and insatiable, who had always advanced, pushing fortune before him, and stayed by no barrier, exhibited a good sense, prudence, and perception of the practicable, sufficient to control his most violent desires. There is no doubt he had a keen relish for absolute power, and felt a strong inclination to place the crown upon his head, and bequeath it to his family. This latter purpose he abandoned, when he became timeously aware of the peril it would expose him to; and with regard to absolute power, although he practically exercised it, he was of too sound an intellect not to comprehend that the feeling of his age was utterly repugnant to it, that the revolution in which he had co-operated, and which he had followed in all its phases, had been directed against despotism, and that the irrepressible desire of England was to be governed by a parliament, and according to parliamentary forms. Therefore he, the despot, by taste and in fact, endeavoured to have a parliament, and to govern after a parliamentary fashion. He addressed himself successively to all parties; he attempted to form a parliament with the religious enthusiasts, with the republicans, with the Presbyterians, and with the officers of the army. He tried all possible means to constitute a parliament which could and would act with him. He sought in vain: all parties, when once seated in Westminster, wished to wrest from him the power he exercised, and to govern in their turn. I will not affirm that Cromwell's principal motive was not his personal interest and gratification, but there is not the least doubt that if he had thrown up his power, he must necessarily have resumed it the next day; for Puritans or royalists, republicans or officers, none others than Cromwell himself were conditioned to govern with any order or justice. The experiment, in fact, had been made. It was impossible to permit the parliament—that is, the parties sitting in parliament—to assume an empire which they could not preserve. Such, then, was the situation of Cromwell; he governed by a system which he knew perfectly well was hateful to the country, and he exercised a power acknowledged to be necessary, but which was acceptable to no one. His sway was not considered by any party as a definitive, established government. The royalists, the Presbyterians, and the republicans, the army itself, the party which was the most devoted to him, were all convinced that he was only a transitory master. At bottom, he never reigned over the minds of men; he was never anything in their eyes but a make-shift, a necessity of the moment. The Protector, absolute master of England, was obliged all his life to make use of force to retain power. No party could govern as he was able to do, yet none looked upon him with a kindly or favourable eye; on the contrary, he was constantly attacked by all.

At his death, the republicans alone were in so compact an order as to lay hands on power. They did so, and succeeded no better than they had formerly done. It was not from any want of confidence in themselves, at least so far as the fanatics of the party were concerned. A pamphlet of Milton, published at that epoch, remarkable for talent and enthusiasm, is entitled, 'An Easy and Prompt Method for Establishing the Republic' The self-conceit of these men was as great as ever. They shortly relapsed into that impossibility of governing which they had previously evinced. Monk assumed the conduct of the event which all England was breathlessly expecting. The Restoration was effected.

The restoration of the Stuarts was a truly national occurrence. It presented itself with the advantages of an ancient government, reposing on the traditions and cherished remembrances of the country, and at the same time with the favourable auspices of a new government, exposed to no recent trial, and the faults and weight of which had not been lately experienced. The ancient monarchy was the only system of government, which for twenty years had not been condemned for its incapacity and its bad success in the administration of the country. These two causes rendered the Restoration popular: it was opposed only by the dregs of the violent parties; the

public rallied around it with great good-will. In the opinion of the country at large, it was the only chance and means of forming a legal government, the fact which was most ardently desired by the community. This was also what the Restoration undertook to effect, the promise of a legal government was precisely what it held out.

The first royalist party which took the management of affairs, after the return of Charles II., was in fact the legal party, represented by its ablest chief, the high chancellor Clarendon. From 1660 to 1667, Clarendon was prime minister, and possessed of the greatest influence in England. Clarendon and his friends reappeared with their ancient system, the absolute sovereignty of the king, restrained within legal limits, controlled in matters of taxation by the parliament, and in matters of private right and individual liberty by the tribunals of justice; but possessing, in the practice of government, properly so called, an almost entire independence, and the most decisive preponderance, to the exclusion, or even in spite of, the wishes of the majority in parliament, and especially of those of the House of Commons. On other points, they evinced a proper respect for legal order, a solicitude for the interests of the country, a noble sentiment of its dignity, and a moral tone highly grave and honourable. Such was the character of Clarendon's administration for seven years.

But the fundamental ideas upon which this administration rested, the absolute sovereignty of the king, and the government raised beyond the sphere of the influence of parliament, were antiquated and dead in the public mind. Notwithstanding the reaction of the first moments of the Restoration, twenty years of parliamentary dominion had placed them beyond resuscitation. A new element shortly burst out in the heart of the royalist party, personified in the Deists, rakes, or libertines, who participated in the ideas of the time, partook the belief that power was vested in the Commons, and caring little for legal order, or the absolute sovereignty of the king, were anxious only for their own success, and sought it wherever they perceived any means of influence or power to exist. They formed a party which allied itself with the discontented national party, and Clarendon was overthrown.

Then came a new system of government, carried on by that portion of the royalist party that I have just described. The rakes or libertines formed the ministry that is styled the ministry of the Cabal, and several of the administrations that succeeded it. Let us see what were their characteristics. No solicitude as to principles, laws, or rights; no regard for justice or truth; the adoption of such means of success as each occasion presented; if success depended on the influence of the Commons, everything was prostituted to gain it; if it were necessary to disregard the Commons, it was done without scruple, asking their pardon the next moment. Corruption was tried one day, cajolery with the nation the next: no care was evinced for the general interests of the country, for its dignity or its honour; in a word, it was a government essentially selfish and immoral, scorning all doctrines and views of public advantage; but at bottom, and in the practice of affairs, sufficiently intelligent and liberal. Such was the character of the Cabal, of the ministry of the Earl of Danby, and of the whole English government from 1667 to 1679. In spite of its immorality, and its disdain for principles and the true interests of the country, this government was less odious and unpopular than the ministry of Clarendon had been. And why? Because it was more in the spirit of the age, and understood better the sentiments of the people, even whilst it mocked them. It was not antiquated and foreign to the feelings of the country like that of Clarendon; and though it did the nation much greater injury, it was less distasteful to it.

At last there came a moment when corruption, servility, and disregard for the public rights and honour were pushed to such a point, as to render farther sufferance impossible. There was a general outcry against the government of the libertines. A national and patriotic party was formed in the House of Commons. The king was induced to call its chiefs to the council. Then came into the direction of affairs Lord Essex, the son of him who had commanded the first parliamentary armies during the civil war, Lord Russell, and a man who, without having any of their virtues, was far superior to them in political ability, Lord Shaftesbury. Thus placed at the head of affairs, the national party gave tokens of its incapacity; it knew not how to gain the moral force of the

country; it was unable to conciliate the interests, habits, and prejudices either of the king, of the court, or of the persons with whom it had to transact business. It conveyed to no one, either to king or people, any great idea of its talents or energy. After remaining a short time in power, it sank. The virtues of its chiefs, their generous courage, the nobleness of their deaths, have exalted them in history, and justly placed them in the highest rank; but their political capacity did not equal their virtue, and they knew not how to exercise the power which had been unable to corrupt them, or make the cause triumphant for which they could lay their heads on the block.

Let us see in what state the English Restoration was after the failure of this attempt. It had, like the Revolution, in some sort tried all parties and administrations—the legal, the corrupt, and the national—and none had succeeded. The country and the court found themselves in a situation almost analogous to that in which England was in 1653 at the close of the revolutionary storm. Recourse was had to the same expedient: what Cromwell had done for lessening the evils of the Revolution, Charles II. did for the advantage of his crown—he plunged into the career of absolute power.

James II. succeeded his brother. Then a second question was added to that of absolute power—the question of religion. James wished to make papistry dominant as well as despotism. Thus we see, as at the commencement of the Revolution, a religious rising and a political rising, both directed against the government. It has been often asked what would have happened if William III. had not been in existence, or if he had not come with his Hollanders to put an end to the quarrel between James II. and the English people? I am decidedly of opinion that the same event would have been accomplished. The whole of England, excepting a very small party, was aroused at that epoch against James, and most assuredly the Revolution of 1688 would have been effected under one form or another. But that crisis was hastened by causes more influential than the internal state of England. It was a European event as well as an English. It is at this point that the English Revolution is connected by facts themselves, independently of the influence which its example has exercised, to the general course of European civilisation.

Whilst the struggle was breaking out in England which I have just alluded to—the war of absolute power against civil and religious liberty—one of the same kind was proceeding on the continent, very different as to the actors, the forms it assumed, and the theatre of action, but at bottom the same, and for the same cause. The pure unmixed monarchy of Louis XIV. was striving to become a universal monarchy; at least it gave occasion for the apprehension, and in fact Europe was impressed with that fear. A league amongst certain status in Europe was formed to oppose this attempt, and the chief of that league was the head of the party for securing religious and civil liberty in Europe—William, Prince of Orange. The Protestant republic of Holland, with William as its leader, undertook to resist the pure monarchy represented and led on by Louis XIV. The apparent question at issue was not as to civil and religious liberty in the interior of states, but of the independence of those states. Louis XIV. and his opponents had no idea that they were contesting between them the same question that was at stake in England. Their struggle was maintained, not as between parties, but as between states; it was carried on by war and diplomacy, and not by political party movements and revolutions. But at bottom it was the same question that was agitated.

When, therefore, James II. recommenced in England the contest between absolute power and liberty, it occurred in the midst of the general war which was going forward in Europe between Louis XIV. and the Prince of Orange, the representatives of two great systems fighting on the Scheldt as well as on the Thames. The league against Louis XIV. was so strong, that several sovereigns entered it, either publicly, or in a concealed but effective manner, who were assuredly greatly averse to the flourishing of civil and religious liberty. The Emperor of Germany and Pope Innocent XI. supported William against Louis XIV. And William passed into England, less to serve the internal interests of that country, than to draw it fully into the league against Louis. He took this new kingdom as an additional force which he needed, and which his adversary had previously made use of against him. So long as Charles II. and James II. had reigned, England

had belonged to Louis XIV.; it was he who had disposed of its force, and had invariably directed it against Holland. England was therefore drawn from the party of pure and universal monarchy, to become the main instrument and support of religious liberty. This is the European side of the Revolution of 1688, and it is by this connection that it took a station in the events of Europe considered as a whole, independently of the part it played by its example, and the influence it exercised over the minds of men in the following century.

Thus we see, as I stated at the commencement, that the true meaning and essential character of this revolution was the attempt to abolish absolute power in temporal as well as in spiritual matters. This fact is to be found in all the phases of the Revolution, in its first period up to the Restoration, and in the second up to the crisis of 1688, whether we consider it in its interior development as to England, or in its relations with Europe in general.

It remains for us to study the same great event—the struggle between pure monarchy and free inquiry on the continent, or at least its causes and approaches. This will be the object of my next and last lecture.

Lecture XIV.
Cause And Effects Of The French Revolution.

I endeavoured in my last lecture to determine the veritable character and political purport of the English Revolution. We have seen that it was the first encounter of the two great facts, into which the whole civilisation of primitive Europe had gathered in the course of the sixteenth century—namely, pure monarchy on the one hand, and the spirit of free inquiry on the other. These two powers came to blows for the first time in England. It has been thence attempted to deduce a radical difference between the social state of England and that of the continent; it has been alleged that no comparison was possible between regions of so distinct a destiny, and that the English people had lived in a moral atmosphere of their own, in a moral isolation as complete as their geographical.

There has been, it is true, an important difference between the English and the continental civilisations, which it behoves us to investigate. We have already had a glimpse of it in the course of our inquiry. The different principles and elements of society have been developed in England in some degree simultaneously and abreast, much more so at least than on the continent. When I endeavoured to determine the peculiar character of the European civilisation, as compared with the ancient and Asiatic civilisations, I made it appear that the first was varied, copious, and complex; that it had never fallen under the dominion of any exclusive principle; and that the different elements of the social state had been there brought into juxtaposition, conflict, and mutual modifications, and had been constantly obliged to act and exist in common. This fact —the general characteristic of European civilisation—has been especially the feature of English civilisation; it has been there elicited with most coherency and palpability. In that country the civil and religious orders—aristocracy, democracy, royalty, local and central institutions, moral and political development—have progressed and expanded in conjunction and pell-mell, so to speak; if not with parallel rapidity, always, at least, at a short distance from each other. Under the sway of the Tudors, for example, in the most brilliant career of pure monarchy, we see the democratic principle, the popular power, break through and intrench itself almost at the same time. The revolution of the seventeenth century exploded, at once a political and religious movement. The feudal aristocracy appeared in it but in a very enfeebled state, and betraying various symptoms of decay; yet it was still enabled to preserve a station in it, to play an important part, and secure itself a share in its results. There are the same features in the whole course of English history; no ancient element ever completely perishes, nor does any new element ever exclusively triumph; no special principle ever gains absolute dominion. There is always a simultaneous

development of the different powers, and arrangement between their pretensions and respective interests.

Upon the continent, the march of civilisation has been much less complex and less complete. The various elements of society—the religious order, the civil order, monarchy, aristocracy, and democracy—have not been developed conjointly, and side by side, but successively. Each principle or system has had in some sort its day. Such an age, for instance, belongs, I shall not say exclusively, for that would be going too far, but with a marked preponderance, to the feudal aristocracy, another to the monarchical principle, and another to the democratic principle. Compare the French with the English middle ages, the eleventh, twelfth, and thirteenth centuries of French history with the corresponding centuries of English. It will be found that, in the epoch in question, feudalism was almost absolutely paramount in France, and royalty and democracy nearly nullified. In England, on the contrary, although the feudal aristocracy held the chief sway, royalty and democracy evinced themselves both vigorous and important. Royalty triumphed in England under Elizabeth, as in France under Louis XIV.; but how many measures was she compelled to keep!—how many restrictions, sometimes from the aristocracy, sometimes from the democracy, had she to endure! Thus in England each system or principle has had its era of strength and prosperity; but never so completely or so exclusively as on the continent. The conqueror, for the time being, has always been constrained to tolerate the presence of its rivals, and to allow each its portion.

To this difference in the march of the two civilisations, are attached advantages and inconveniences which have, in fact, manifested themselves in the history of the two countries. There is no doubt, for instance, but that this simultaneous development of the various social elements has greatly contributed to accelerate the arrival of England at the object of all society—that is to say, at the establishment of a government at once regular and free, with a despatch unknown to any continental state. It is precisely of the essence of government to respect all interests and all powers, to reconcile them, and make them exist and prosper in community. Now, such was, by the concurrence of a multitude of causes, the early disposition and relation of the different elements of English society; therefore a general and somewhat regular government had there less difficulty in being constituted. In the same manner, liberty is in its essence the simultaneous manifestation and action of all interests, rights, powers, and social elements. England was therefore much nearer to its attainment than the majority of other states. From the same causes, the formation of a national sound sense, and of a general comprehension of public affairs, was necessarily more quickly effected there. Sound sense in political affairs consists in knowing how to grasp all facts in the mind, rightly appreciate them, and apportion to each its due influence; in the English social state it became a necessity, a result natural from the course of civilisation.

As a set-off, each principle or system having had its turn, having triumphed in a more complete and exclusive manner in the continental states, the development has been made on a greater scale, and with more grandeur and display. Royalty and the feudal aristocracy, for example, have appeared upon the continental stage with much more hardihood, extension, and freedom. All the political experiments, so to speak, have had a broader basis, and been more complete. It has thence resulted that political ideas, I mean general ideas, and not the application of practical sense to the conduct of affairs, but political ideas and doctrines, have been raised much higher, and deployed with far more rational vigour. Each system having in some sort presented itself alone and prominently, and having remained for a length of time on the stage, has enabled men to contemplate it in its entirety, to trace it back to its first principles, to follow it to its remotest consequences, and to fully unfold its theory. Whoever observes, with any degree of attention, the English genius, is struck with a double fact. On the one hand, he perceives a soundness of practical sense and ability, and on the other, an absence of general ideas and of elevation of mind on theoretical questions. Whether it is an English work on history, or jurisprudence, or any other matter, that we open, we very rarely find the great and fundamental reasons of things at all treated of. In all things, and especially in political sciences, pure doctrine, philosophy, science,

properly so called, have flourished more luxuriantly on the continent than in England; their flights, at all events, have been much more bold and vigorous. And we cannot doubt that the different character of the development of civilisation in the two regions has mainly conduced to this result.

Thus, whatever may be thought of the inconveniences or the advantages which this difference has drawn in its train, it in itself is a real and incontestable fact, and the very circumstance which most profoundly distinguishes England from the continent. But although the various social principles or elements have been developed in that country more simultaneously, and on the continent more successively, it does not follow that at bottom the route and the object have not been the same. Considered in their whole extent, the continent and England have gone through the same great phases of civilisation, events have in each pursued the same course, and the same causes have led to the same effects. This, indeed, convincingly appeared in the picture I presented of civilisation up to the sixteenth century, and it will be equally perceptible in the portraiture of the seventeenth and eighteenth centuries. The development of the spirit of free inquiry and of pure monarchy, almost simultaneous in England, were accomplished on the continent at pretty long intervals; but they have been accomplished, and the two powers, after having successively enjoyed a marked predominance, have in the same manner joined battle. Therefore, upon the whole, the general march of the societies has been the same; and although there may be some substantial differences, the resemblance is deeply-seated. A rapid glance at modern times will remove all doubt upon the subject.

On a survey of the history of Europe during the seventeenth and eighteenth centuries, the mind is irresistibly driven to acknowledge that France led the van of European civilisation. On commencing this inquiry, I asserted the fact, and attempted to assign its cause. We shall find it more prominent at this period than before.

The principle of pure monarchy, or absolute royalty, had prevailed in Spain under Charles V. and Philip II., before being developed in France under Louis XIV. In the same manner the principle of free inquiry had reigned in England in the seventeenth century, before its development in France in the eighteenth. Nevertheless, the principle of monarchy did not proceed from Spain, nor that of free inquiry from England, when each pervaded Europe. The two systems remained, as it were, confined to the countries where they had appeared. They must first pass through France, to extend their conquests; in a word, it was necessary that pure monarchy and freedom of inquiry should become French, in order to become European. This communicative character of the French civilisation, this social genius of France, which have been evinced at all eras, shone especially in that upon which we are now engaged. As this fact has been brought out with equal truth and brilliancy upon other occasions more distinctly devoted to an investigation into the influence of French literature and philosophy in the eighteenth century, I need not linger upon it. It has been demonstrated that philosophical France had more authority over Europe, on the point of liberty itself, than free England, and that the French civilisation has shown itself much more active and contagious than that of any other country. It is not necessary for me to enlarge upon the details establishing the fact, and I have only alluded to it to defend the propriety of my restricting the picture of modern European civilisation to France. There are doubtless many differences between the civilisation of France at that epoch, and that of the other states of Europe, which it would be essential to inquire into, if I had pretended to give a full history; but I am obliged to omit many things, even nations and ages, so to speak, in the course I have chalked out for myself. So I shall proceed to concentrate my attention upon the progress of French civilisation—the image, although an imperfect one, of the general progress of things in Europe.

The influence of France in Europe presented itself, during the seventeenth and eighteenth centuries, under very different aspects. During the first, it was the French government which acted upon Europe, and which marched at the head of general civilisation. During the second, the preponderance was owing no longer to the government, but to French society, to France herself. At first it was Louis XIV. and his court, afterwards France and its opinions, which

governed the minds of men, and drew their attention. In the seventeenth century, there were certainly nations who, as nations, appeared more prominently on the scene, and took a greater part in events, than the French nation. Thus, during the thirty years' war, the German nation, and during the Revolution, the English nation, exercised, on their respective destinies, a greater influence than the French did, at the same period, on theirs. Likewise, in the eighteenth century, there were governments stronger, enjoying greater consideration, and more feared than the French government. There can be little question that Frederic II., Catherine II., and Maria-Theresa, had more weight in Europe than Louis XV. Yet at both epochs it was France which was at the head of European civilisation—first through its government, and afterwards through itself; now through the political action of its masters; and again through its own intellectual development.

Therefore, in order fully to comprehend the prevailing influence on the course of civilisation in France, and consequently in Europe, we must study the French government in the seventeenth century, and French society in the eighteenth. It is necessary to shift the ground and the representation, as time works its changes on the stage and the actors.

Generally speaking, when the subject of discussion is the government of Louis XIV., and the causes of his power and influence in Europe, his renown, his conquests, his magnificence, and the literary glory of his time alone are spoken of. To external causes alone is the attention directed, and to them is ascribed the European preponderance of the French government.

I am of opinion that this preponderance had a deeper groundwork and graver causes. We can scarcely believe that it was solely through victories, or pompous ceremonies, or even through the master-works of genius, that Louis XIV. and his government played at that epoch the prominent part which it would be absurd to deny them.

Every one is aware of the effect produced in France by the consular government thirty years ago, and of the state in which it found the country. Without, an impending foreign invasion, and continual reverses suffered by the French armies; within, the almost complete dissolution of power, and of the nation; no revenues, no public order, in a word, a society prostrated and disorganised—such was France at the accession of the consular government. The prodigious and skilful activity of that government soon assured the safety of the territory, restored the national honour, reorganised the administration of affairs, remodelled legislation, and, in a word, gave fresh birth to society under the aegis of power.

Now, the government of Louis XIV., when it commenced, effected something analogous. With great differences in time, proceedings, and forms, it pursued and attained almost the same results.

Recall the state into which France had fallen after the administration of Cardinal de Richelieu, and during the minority of Louis XIV. The Spanish armies always on the frontiers, sometimes in the interior; a continual danger of invasion, internal dissensions pushed to extremity, civil war, and the government weak and despised both within and without. No policy was ever more wretched and contemned in Europe, or more powerless in France, than that of Cardinal Mazarin. Society was perhaps in a less violent state at that period, but still greatly analogous to what it was before the ***eighteenth brumaire***. It was out of such a state that the government of Louis XIV. drew France. His first victories had the effect of the battle of Marengo; they secured the territory, and elevated the national honour. I am about to consider this government under its principal points of view—in its wars, external relations, administration, and legislation; and I believe that the analogy of which I speak, and to which I would not attach any puerile importance, for I hold historical comparisons generally of little moment, will be seen to have a real foundation, sufficient to justify me in adducing it.

Let us, in the first place, speak of the wars of Louis XIV. The wars of Europe were originally, as I

have had frequent occasion to observe, great popular movements; entire populations urged by want, whim, or some other cause, sometimes in large hordes, sometimes in smaller bands, transported themselves from one territory to another. This was the general character of the European wars, until after the Crusades at the end of the thirteenth century.

Then commenced another kind of wars almost equally different from the modern. They were distant expeditions, no longer undertaken by the people, but by princes who went at the head of their armies in search of territories and adventures in remote parts. They quitted their countries, abandoned their own territories, and dived, some into Germany, others into Italy, others into Africa, without any motive but their personal caprice. Almost all the wars of the fifteenth, and even of the sixteenth century, were of this character. What interest, I do not mean a legitimate interest, but what conceivable motive had France, that Charles VIII. should possess the kingdom of Naples? It was evidently a war dictated by no political consideration; the king thought he had personal claims to the kingdom of Naples, and with a personal object, the gratification of his individual desire, he went forth to attempt the conquest of a distant country, which was not at all adapted as a suitable territorial acquisition to his own kingdom, but which, on the contrary, could have no effect but to compromise his strength externally and his repose internally. It was the same with the expedition of Charles V. into Africa. The last war of this sort was the enterprise of Charles XII. against Russia. The wars of Louis XIV. had not that character; they were the wars of a regular government, fixed in the centre of its states, labouring to conquer all around it, to extend and consolidate its territory; in a word, political wars. They might be just or unjust, and might have cost France too dear; there are numerous considerations to allege against their morality and their profusion—but they bear a character incomparably more rational than antecedent wars: they were no longer capricious, or merely adventurous, but were dictated by serious motives—such as some natural boundary to be gained, some population speaking the same language to be incorporated, or some point of defence or barrier to acquire against a neighbouring power. Doubtless personal ambition was mixed up with them; but if we examine the wars of Louis XIV., one after the other, those especially in the first part of his reign, we shall find them to have had truly political motives, and to have been undertaken for French interests, for the acquisition of power, and for promoting the safety of the country.

Results have proved the fact. The France of the present day is still in many respects such as the wars of Louis XIV. made it. The provinces which he acquired—Franche-Comté, Flanders, and Alsace—have remained incorporated in France. There are sensible conquests as well as absurd conquests. Louis XIV.'s were sensible; his enterprises have not that character of stupidity and caprice previously so general; on the contrary, an able policy, if not always a just and prudent one, presided in them.

Passing from the wars of Louis XIV. to his relations with foreign states, to his diplomacy, properly so called, an analogous result is perceptible. I have asserted the birth of diplomacy in Europe to have occurred at the end of the fifteenth century. I then endeavoured to show that the relations of governments and states amongst themselves, which had been previously accidental, rare, and temporary, became at that epoch more regular and permanent, that they took a character of great public interest, and that at the end of the fifteenth, and in the first half of the sixteenth century, diplomacy assumed an immense importance over events. Nevertheless, up to the seventeenth century, it had not been in reality systematic, nor had it led to long alliances, or grand combinations—above all, to durable combinations, actuated by fixed principles, directed to one constant object, or evincing that continuous spirit which is the veritable characteristic of established governments. During the religious revolution, the external relations of states had been almost exclusively swayed by the interests of religion; the Protestant and Catholic leagues had divided Europe. It was in the seventeenth century, after the treaty of Westphalia, under the influence of Louis XIV.'s government, that diplomacy changed its character. It then threw off the exclusive influence of the religious principle; alliances and political combinations were made from other considerations. At the same time, it became much more systematic and regular, and always directed to a certain precise object, and according to invariable principles. The regular introduction of the system of balance of power belongs to that era. It was under the government of Louis XIV. that this system, with all the considerations connected with it, took real possession of European politics. When we inquire what was the general idea, or predominant principle in the policy of Louis XIV. on this subject, I think we shall discover the following facts.

I have spoken of the great conflict which arose in Europe between the pure monarchy of Louis XIV., endeavouring to become a universal monarchy, and civil and religious liberty, and the independence of states, under the leadership of the Prince of Orange, William III. We have seen that the great event in Europe at that epoch was the division of the powers under these two banners. But this fact was not understood at that time as it is now; it was hidden, and unknown even by those who accomplished it; the result of the resistance of Holland and its allies to Louis XIV. was necessarily and fundamentally the repression of the system of pure monarchy, and the establishment of civil and religious liberty, but the question was not thus openly stated between absolute power and freedom. It has been repeatedly asserted that the propagation of absolute power was the paramount principle in the diplomacy of Louis XIV. I am of opinion, however, that this consideration only actuated, to any great extent, his policy in later years, in his old age. The objects at which he constantly aimed, whether fighting with Spain, the Emperor of Germany, or England, were making France the preponderating power in Europe, and the humbling of his rivals—in a word, the promotion of the political interest, and the strength of the state; he laboured much less with a view to the propagation of absolute power, than with a desire for the power and aggrandisement of France and its government. Amongst many proofs of this, we have one furnished by Louis XIV. himself. There is found in his ***Memoirs*** under the year 1666, if I recollect aright, a note couched pretty nearly in these terms:

> 'I have had this morning a conversation with Mr Sidney, an English gentleman, who explained to me the possibility of reanimating the republican party in England. Mr Sidney asked from me for that purpose 400,000 livres. I told him I could only advance 200,000. He urged me to summon from Switzerland another English gentleman who is called Ludlow, and to learn his opinions touching the same design.'

In the memoirs of Ludlow, a paragraph occurs about the same date in corroboration of this, to the following purport:—

> 'I have received from the French government an invitation to come to Paris, to speak concerning the affairs of my country; but I am suspicious of that government.'

And Ludlow, in fact, remained in Switzerland.

Thus it is plain that the weakening of the royal power in England was at that epoch the design of Louis XIV. He fomented internal dissensions, in order to prevent Charles II. from becoming too powerful in his own country. In the course of Barillon's embassy in England, the same fact is unceasingly exhibited. Whenever the authority of Charles II. appeared to gain the upper hand, and the national party to be on the point of being crushed, the French ambassador threw his influence into that scale, gave money to the leaders of the opposition, and, in short, strove against absolute power when it was needful as a means of crippling a rival power of France. By attentively considering the manner of conducting the external relations under Louis XIV., this feature will be found strikingly exemplified.

The French diplomacy of that epoch was also strongly marked by skill and ability. The names of Messieurs de Torey, d'Avaux, and Bonrepaus, are known to all well-informed persons. When we compare the despatches and memoirs, the capacity and conduct of these counsellors of Louis XIV. with the capabilities evinced by the Spanish, Portuguese, and German negotiators, we are struck with the superiority of the French ministers, not only as regards their thoughtful activity and application to business, but also in liberality of mind. These courtiers of an absolute king understood external circumstances and parties, the wants of liberty and popular movements, much better than the majority of the English themselves at that period. There was no diplomacy in Europe in the seventeenth century which appears at all equal to the French but the Dutch. The ministers employed by De Witt and William of Orange, those illustrious chiefs of the party of civil and religious liberty, were the only diplomatists who proved themselves fitting to enter the lists with the servants of the great monarch.

Thus, whether we consider the wars or diplomatic relations of Louis XIV., we come to the same conclusion. It is easy to be conceived how a government conducting its wars and negotiations in this manner, must have taken a high standing in Europe, and appeared not only very formidable as to power, but imposing for its ability and astuteness.

Let us now take the interior of France, and inquire into the administration and legislation of Louis XIV., in which we shall find additional explanatory causes of the strength and splendour of his government.

It is difficult to determine with precision what we ought to understand by administration in the government of a state. But I think, after fully investigating the matter, we may conclude that administration, in the most general point of view, consists in a concentration of means calculated to carry the will of the central power with the greatest promptitude and certainty into all parts of society, and to invest the central power in the same manner with the sinews of society, either in men or money. Such is, if I mistake not, the true object and prevailing character of administration. We consequently find that in those times when it is especially necessary to establish unity and order in society, administration is the great instrument of succeeding in that design, of drawing together, cementing, and uniting scattered and incohesive elements. Such was, in fact, the operation of Louis XIV.'s administration. Before his time, nothing had been more difficult, in France and in the rest of Europe, than to make the action of the central power felt in all the portions of society, and to gather into the hands of the central power the means of force possessed by the society. Louis XIV. laboured to effect these points, and succeeded to a certain extent infinitely better, at all events, than preceding governments. I cannot enter into details, but taking the public services of every kind, the finances, the departments of roads and public works, the military administration, and all the establishments which belong to every branch of administration, there is not one that will not be found to have had its origin, its development, or its greatest perfection, under the reign of Louis XIV. The greatest men of his time—Colbert and Louvois—displayed their genius, and exercised their ministries as administrators. It was by these means that his government acquired a generality, decisiveness, and consistence, in which all the European governments around him were wofully deficient.

Under the legislative phase, this reign presents the same character. I will return to the

comparison of which I spoke at the commencement—to the legislative activity of the consular government, and its prodigious labour in a general revision and recasting of the laws. A work of the same sort took place under Louis XIV. The great ordinances which he promulgated regarding criminal affairs, law proceedings, commerce, the marine, woods, and waters, are veritable codes, which were digested in the same manner as our later codes, and discussed in the council of state sometimes under the presidency of Lamoignon. There are some men whose glory consists in having taken part in these labours and discussions—M. Pussort, for example. If we were to consider it merely in itself, we should pronounce very unfavourably of the legislation of Louis XIV., for it is full of errors very discernible at the present day, and which no one can fail to allow; it is not actuated by a sense of what true justice and liberty demanded, but directed to the preservation of public order, and to give the laws more regularity and certitude. But that alone was a great step, and it is not to be doubted that the ordinances of Louis XIV., being superior to anything exhibited at an antecedent period, very powerfully contributed to stimulate French society to advancement in the career of civilisation.

We thus speedily perceive the sources of its strength and influence, under whatever point of view we regard this government. It was the first government which presented itself to the eyes of Europe as a power acting upon sure grounds, which had not to dispute its existence with inward enemies, but at ease as to its territory and its people, and solely occupied with the task of administering government, properly so called. All the European governments had been previously thrown into incessant wars, which deprived them of all security as well as of all leisure, or so pestered by internal parties or antagonists, that their time was passed in fighting for existence. The government of Louis XIV. was the first to appear as a busy thriving administration of affairs, as a power at once definitive and progressive, which was not afraid to innovate, because it could reckon securely on the future. There have been, in fact, very few governments equally innovating. Compare it with a government of the same nature—the unmixed monarchy of Philip II. in Spain; it was more absolute than that of Louis XIV., and yet it was far less regular and tranquil. How did Philip II. succeed in establishing absolute power in Spain? By stifling all activity in the country, opposing himself to every species of amelioration, and rendering the state of Spain completely stagnant. The government of Louis XIV., on the contrary, exhibited alacrity for all sorts of innovations, and showed itself favourable to the progress of letters, arts, wealth—in short, of civilisation. This was the veritable cause of its preponderance in Europe, which arose to such a pitch, that it became the type of a government not only to sovereigns, but also to nations, during the seventeenth century.

And now we ask ourselves, for it is impossible we should do otherwise, how a power so brilliant and so well established as I have represented it, should have so quickly fallen into decay, and how, after having played such a part in Europe, it became in the following century so vacillating, so weak, and so despised? The fact itself is incontestable. In the seventeenth century, the French government was at the head of European civilisation; in the eighteenth, this preponderance disappeared, and it was the French society, separated from its government, often even arrayed against it, that preceded and guided the European world in its advancements.

We here discover the incorrigible evil and the inevitable effect of absolute power. I will not enter into any detail as to the faults of Louis XIV.'s government, which committed many and great ones; I will not speak of the war of the Spanish succession, of the revocation of the Edict of Nantes, of profligate expenditures, or of various other fatal actions which compromised his fortune. I will take the merits of his government to be such as I have just described them, granting that there was never perhaps an absolute government more grateful to its age and subjects, or that rendered more real services to the civilisation of its country, and of Europe in general. But simply because this government had no other principle than absolute power, and rested upon no other base, its decay was sudden and deserved. The essential deficiency of France under Louis XIV. was the want of institutions, of independent political bodies, subsisting by themselves, and capable of spontaneous action, and of offering resistance. The ancient French institutions, so far as they merited that appellation, no longer subsisted: Louis had

succeeded in destroying them. He had no idea of endeavouring to replace them by modern institutions, for they would have annoyed him, and he was not at all disposed to court annoyance. The will and the action of central power are what appear in fullest force at that epoch. The government of Louis XIV. was great, brilliant, and most potent, but without roots. Free institutions are not only the guarantees of wisdom and justice, but also of the durability of governments. There is no system which can have a prolonged existence otherwise than by means of institutions. Wherever absolute power has stood the shocks of time, it has rested upon veritable institutions, sometimes upon the division of society into casts distinctly separated, and at other times upon a system of religious institutions. Under the reign of Louis XIV., power as well as liberty lacked the essential safeguard of institutions. There was nothing in France at that epoch to guarantee either the country against the illegitimate action of the government, or the government itself against the inevitable action of time. Thus did the government promote its own decay. It was not Louis XIV. alone that grew old and feeble at the end of his reign, but the whole principle of absolute power. Pure monarchy was as emasculated in 1712 as the monarch himself. And the evil was the more serious, in consequence of Louis XIV. having abolished political habits as well as institutions. Political habits cannot exist without independence. He alone who feels his own strength is capable either of serving power or of resisting it. Energetic characteristics disappear with the loss of independence, and dignity of mind can be sustained only by the assuredness of rights.

The real state in which Louis XIV. left France was, therefore, a society in full intellectual vigour and activity, and by its side a government essentially stationary, and without any means of reanimating itself, or taking part in the movement of its subjects; but after half a century of splendour, doomed to stagnation and feebleness, and whilst its founder was still alive, sank into a decay which nearly resembled dissolution. This was the situation in which France was placed at the close of the seventeenth century, and which gave to the following age so different a direction and character.

It is scarcely necessary for me to say that the burst of the human mind, the spirit of free inquiry, was the paramount feature of the eighteenth century. This influential epoch has been treated of, and so ably handled by others who have gone before me, that I am relieved from the necessity of following minutely all the phases of the wondrous moral revolution which was then accomplished. I am, however, anxious to note certain points which have been somewhat overlooked.

The first which strikes my mind is one I have already alluded to—namely, the almost complete disappearance, so to speak, of the government in the course of the eighteenth century, and the prominence of the human mind as the principal and almost only actor. Excepting the external relations attended to by the ministry of the Duke de Choiseul, and some concessions made to public opinion—for example, the American war—there never, perhaps, was a government so inactive, so apathetic and inert, as the French government of that time. In place of the stirring and ambitious government of Louis XIV., which interfered with everything, and placed itself at the head of all, we see a power anxious only to keep in the background, so weak and shattered did it feel itself. The activity and the ambition had passed to the nation, which, by its opinions and its intellectual movement, mixed and interfered with all things, and, in short, alone possessed that moral authority which confers a veritable sway.

The second characteristic which strikes me in the state of the human understanding in the eighteenth century, is the universality which marked the spirit of free inquiry. Previously, and particularly in the sixteenth century, inquiry had been exercised in a limited and defined field, having for its objects religious questions, or political and religious questions mixed up together, but never extending its pretensions to all subjects. On the contrary, the characteristic of the free inquiry of the eighteenth century is its universality: religion, politics, pure philosophy, man and society, moral and material nature, all became at once the subjects of investigation, doubt, and system; ancient ideas were cast away, and new ones arose in their stead. It was a movement

which penetrated to all quarters, though springing from one and the same impulse.

This movement had, furthermore, a peculiar characteristic, which has not, perhaps, been twice exhibited in the history of the world—namely, that it was purely speculative. In former times, action had promptly participated with speculation in all human revolutions. Thus, in the sixteenth century, the religious revolution had commenced by ideas and discussions purely intellectual, but it had speedily gathered into events. The leaders of intellectual parties had rapidly grown into the leaders of political parties, and the realities of life had mingled with the operations of intellect. It had thus happened in the English revolution of the seventeenth century. In France, in the eighteenth century, we perceive the human mind exercising itself on all things, on ideas which, being closely interwoven with the real interests of existence, ought to have had the most prompt and potential influence. And yet the leaders and actors in those great debates remained apart from every sort of practical activity, appearing as mere speculators, who observed, judged, and delivered their opinions, without ever interfering in events. At no epoch has the government over facts or external realities been so completely distinct from that over mind. The separation of the mental and physical orders of things was not real in Europe before the eighteenth century. For the first time, perhaps, the mental order was developed, utterly apart from the material. This was an important fact, and it is one which has exercised a prodigious influence over the course of events. It gave to the ideas of the time a singular character of ambitiousness and inexperience; for never was philosophy more eager to rule the world, or at the same time less conversant with it. A day was sure to come when a conflict would arise, when the intellectual movement would pass into external facts; and as they had been so totally separated, the shock was violent, the amalgamation more difficult.

The astonishing boldness of the human mind at that epoch is another characteristic which deserves our consideration. Previously, its greatest activity had always been repressed within certain limits; men had lived in the midst of facts, some of which awed their minds, and kept their movement barred to a certain extent. In the eighteenth century, it would be extremely difficult to say what were the external facts which the human mind respected, or which exercised any empire over it. It held the whole social state in contempt and hatred. It thence concluded that it was called upon to reform all things, and came to look upon itself as a species of creator; institutions, opinions, manners, society, and man himself, all appeared to require remodelling, and human reason imposed upon itself the undertaking. Never had a similar audacity been dreamt of!

Such, then, was the force at work against what remained of the government of Louis XIV., in the course of the eighteenth century. We can easily understand that a shock between them was impossible to be avoided. That which had been the predominant fact in the English revolution—the struggle between the spirit of free inquiry and unmixed monarchy—was likewise certain to commence in France. Undoubtedly there were various points of difference in the two conflicts which pervaded also their results, but fundamentally, the general positions were similar, and the definitive event taught the same lesson.

As I have no intention of following out the multitudinous consequences of that crisis, I shall confine myself to the mention of the gravest, and in my opinion the most instructive fact, which was prominently displayed in that great conjuncture. I allude to the proof of the danger, the evil, the inveterate vice of absolute power, whatever that power may be, whatever name it may bear, or to whatever end directed. We have already seen the government of Louis XIV. perish from this single cause. The power which succeeded it—the human understanding, which was the veritable ruler of the eighteenth century—underwent the same fate; it possessed an almost absolute power in its turn, and thence derived an overweening confidence in itself. Its outbreak was glorious and useful; and if I were called upon to give an opinion upon the general operation, I should not hesitate to declare that the eighteenth century is to me one of the greatest eras of history, that perhaps which has rendered the most important services to humanity, which has given to it its greatest stimulus, resulting in the most universal advancement—so that, pronouncing upon it as a public administration, if I may be allowed to use that expression, my judgment should certainly be

given in its favour. Still, it is not the less true that the absolute power possessed at that epoch by the human mind, corrupted it and led it to hold contemporary facts and opinions different from those that were in chief respect, in an illegitimate disdain and aversion, which brought it into error and tyranny. So much of error and tyranny, in fact, as mingled with the triumph of human reason towards the end of the century, which we cannot conceal from ourselves, nor ought to deny, was very considerable, mainly resulted from the extravagance into which the human mind was thrown by the extent of its power. It is the province, and will form, I believe, the peculiar merit of our times, to proclaim that all human power, be it intellectual or material, vested in governments or people, in philosophers or ministers of state, and exerted in any cause whatsoever, bears inherently a natural viciousness, and a principle of weakness and abuse, which call imperatively for the prescribing fixed limits to its exercise. Thus it is only a system of general freedom for all rights, interests, and opinions, their unfettered manifestation and legalised co-existence, that can restrain each individual power or influence within its proper limits, prevent it infringing upon others, and make the spirit of free inquiry an actual and general enjoyment. The conflict between material absolute power and intellectual, which occurred at the close of the eighteenth century, has impressed upon our minds this great truth.

I have now reached the point which I originally proposed to myself. It will be recollected that I set out with the design of giving a general picture of the development of European civilisation from the fall of the Roman Empire to the present time. I have gone very rapidly through this task, not permitting myself time to bring out everything that was important, or to adduce proofs for what I alleged. I have been obliged to omit much, and also frequently to rely upon my own unsupported assertions. However, I am not altogether without hope that I have attained my object; which was to mark the great crises in the development of modern society. At the beginning, I endeavoured to define civilisation, and to describe the fact to which that word is applied. Civilisation appeared to me to consist of two principal facts—the development of human society, and that of man himself: on the one hand, the political and social development; and on the other, the internal and moral development. I have confined myself upon this occasion to the history of society; I have presented civilisation only in its social point of view, and have said nothing upon the development of man himself. My task did not lead me to an exposition of the history of the opinions and of the moral progress of humanity; upon another occasion I may enter more into detail, and embrace this branch of the subject in the inquiry.

Concluding Note By The Editors.

M. Guizot, it will be perceived, by bringing the history of European civilisation no farther down than the latter years of the eighteenth century, and adhering throughout rather too closely to France, has left untouched a series of movements in the social progress, which promise to effect, at no distant day, a prodigious change in the destinies of both individuals and nations. It may only be necessary to allude in a general way to the termination of a protracted warfare between France and Britain, followed by a universal peace, which has permitted the cultivation of the sciences, the useful arts, commerce, and, generally speaking, all the attributes of moral, religious, and intellectual advancement; the political elevation of the great middle class in Britain and France, and the co-ordinate improvement in the condition of the more humble classes in society; the abolition of numberless monopolies in trade and otherwise, leaving greater freedom for legitimate action; signal meliorations in the habits and manners of all ranks of people, particularly as regards fashions of dress, temperance, and decorum, the natural result of which is an increase in the value of human life; important modifications of civil laws and municipal institutions in most European countries; and lastly, and chiefly, the wonderful advances made in practical science and in the arts. Among these advances may be only noted the use of gas in artificial lighting, and the application of steam power to navigation, road-travelling, and all kinds of industrial operations. Steam navigation alone, by opening up new channels for commerce, and, in

effect, bringing countries remote from each other into immediate neighbourhood, forms by far the grandest engine of civilisation which the world has seen since the invention of printing, and must speedily work the most surprising improvement in human affairs not only in Europe, but in every region of the earth. To these various facts, as M. Guizot would term them, in the history of modern times, may be added that of the extensive diffusion of newspapers and an instructive literature at a low cost among the less affluent classes of the people, a blessing which is ascribable to the recent invention of machinery for the manufacture of paper and for printing, and of which past generations of mankind had no idea. It is further of importance to include in this catalogue of facts the opening up of new fields for human industry and subsistence in the colonies of Britain, and other fruitful regions in a foreign hemisphere, by which Europe is now regularly drained of a portion of its exuberant population; also the permanent establishment of a republican constitution in the United States of America, which, from its earliest dawn, has exerted a considerable reaction on the elder political institutions of European nations.

By these, and some other facts, European civilisation has been latterly advancing in a daily accelerating ratio, and has already, to appearance, thrown back the state of civilisation of the eighteenth century, with all its luxurious refinements, to that of the primeval ages. The civilisation which has been thus attained by distinct advances during the last forty, or, more properly, the last twenty-five years, may be described as at present in a pausing or transitive state, in which, by the conflict of parties and opinions, it may be arrested for a length of time in any particular country, but cannot well be prevented from passing onwards in the aggregate to a higher condition. The concurring effects of a universal and friendly intercourse among nations, improved and extended means of education, missionary enterprise in planting Christianity in hitherto heathen regions, and the diffusion of the produce of the press, cannot but be beneficial to society, and must sooner or later carry civilisation to limits considerably beyond those which are now assigned to it. The history of this latter progress, which remains to be written, will form a deeply interesting chapter in the annals of human civilisation.

On The Punishment Of Death.

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Preface.

It may be asked, perhaps, what I hope from this work? I do not hope, I admit, that governments will be convinced of the inutility of capital punishment, still less that they will abandon its employment. Truth glides slowly into the mind of power, and even when it does fairly enter, it is not immediately acknowledged as master. The mind long refuses to believe, and even when forced to believe, it still refuses to obey. There is no occasion to tell why.

It is precisely for this reason, that when power is in error, it is necessary to set the public right—to establish in opinion that which will be so long of resolving into fact. If the road is long, it is the more necessary to set out early; for in that case, even before reaching the goal, we may obtain some results. It is vain to prolong error, for when known to be such, it is powerless. Society in the present day is so formed, that power is half vanquished when the public pronounces it to be in the wrong. In vain it persists, for even in persisting, it hesitates, feeling itself to be before a superior strength. Opinion at length gradually comes to invade, where before it only sustained attack; but even then power does not yield, though its hesitation increases. First fear, and then doubt, weakens its action: then it becomes timid, and falls into the mistake of employing a means which society reprobates, and in the efficacy of which it does not itself believe. To this point it must be forced, and its errors clearly exhibited; and at last, as the daylight shines upon them, the strength in which it trusted will be more difficult to use, and be more and more weakened by the increasing blunders of its strategy.

I think the present time favourable for thus attacking the use of capital punishment in the light of a political question. When action is directed by truth, it is slow and feeble; but it proceeds vigorously when truth works in the way of reaction. Amid the gentle manners of the eighteenth century, cruel laws, political severities, and the punishment of death, were vigorously striven against: everything seemed tending to restrain, if not suppress them, and many honest men supposed the victory gained. But the Revolution broke out, and cruel laws, political severity, and the punishment of death, were resorted to with a violence unheard of before. So many perished hopes engendered a fear that the ideas which had given them birth were an illusion; but this was a great error. On the contrary, it is at this time that these ideas may claim and exercise the greatest dominion; they are able to avail themselves of a recent and frightful experience; and it is easy for them, in improving it, to rid themselves of the dreams of their infancy, to strengthen themselves by instances instead of theories, and to come down to the simplest rules of common sense. Notwithstanding the scepticism of our time, the public mind is disposed to receive them. The Revolution made more enemies by employing capital punishment politically, than were stirred up by all the books and speeches philanthropic, philosophical, and literary. It has left on this subject an impression much more efficacious than that of ideas, and which overcomes opinions even the most apparently hostile. With many men it would provoke indignation to try to make them admit even the partial suppression of capital punishment as a general necessity, the consequences of a right or a theory: perhaps they would say that it is such chimeras which brought on the Revolution. But place these same men in the presence of facts: let them award, in the capacity of judges or juries, the terrible sentence, or even let them see it brought into effect by others, and experience will resume all its power over their minds. They will mistrust its necessity and its justice; melancholy presentiments will arise from melancholy recollections; they will feel at once doubt and fear; they will recall what they have seen, and what they have suffered; they will distrust a policy which has occasion to take such a course, and engenders such a necessity; and they will have no more faith in results than in reasons. And thus in spite of theoretical opinions, often in spite even of the tendency of circumstances, the common instinct, the public good sense—fruit of bitter experience—will resist the employment of capital punishment politically with much more efficacy than all the arguments and precepts of philosophy.

I would justify this instinct, and produce all the proofs of its legitimacy. Is the case urgent? Does

power show itself so eager for, and so prodigal of, capital punishment? Are we so assailed by penalties that it is necessary to sound the alarm, and to treat the policy of our days as if it resembled that disastrous policy the severe judgments of which were formerly its great and habitual instruments? I detest exaggeration, for it is falsehood. I do not seek to excite or maintain blind fears of what I cannot prove; I draw no comparison between our own and those deplorable times. But let me not be told that it is necessary to wait in a case like this for the right to speak. If the punishment of death is politically useless, inefficacious, and even dangerous, wherefore not say so at once? Why should truth be silent till it is proclaimed by facts so terrible? These facts, it may be said, will not come: well, if they are not to come, a book cannot bring them; and if they are, who could pardon himself if he had delayed the warning? Besides, I observe the odd anomaly, that some people, when afraid, are at once credulous and difficult of belief. Sometimes they see frightful symptoms everywhere; and sometimes they will not believe in the possibility of the evil till its arrival. One would say that they made a choice in their recollections; always accessible to some, and repulsing others as importunate and inadmissible. The least idea, the slightest agitation, recalls the terrors of the Revolution to their minds; but with other terrors before them, likewise revolutionary, they are blind and bold. They are seized with affright if some errors of the Constituent Assembly reappear, and yet exclaim against any inquietude that may be manifested on the restoration of capital punishment as a political engine. I ask more impartiality of memory, more extent in foresight, and more justice in fear. We are not descended so low that an evil must be horrible to be felt. I am sure that iniquity without modesty and without restraint has not taken possession of either the laws or tribunals; I know that if it aspired too far, it would meet with powerful obstacles in its course; and I am aware that danger does not lurk at every door, or the punishment of death hover over all the adversaries of power. But still, in my opinion, capital punishment is too often called for, and too often inflicted. In the use we make of it there is neither wisdom, nor equity, nor necessity; it fails in its object, and aggravates the evil of our position by engaging power in a course full of peril for society and for itself; it causes of itself gratuitous misfortunes, which, if they spread no farther, are still neither lighter nor more reparable; it attaches itself to a false and fatal policy, and sinks day by day into an instrument more melancholy and more useless. Let others imagine that there are not here sufficient motives for opposing its use, and wait for more evils and more severity: for my part I think I have reckoned enough.

Another consideration determines me. One side has triumphed, and expecting still to triumph, it in the meantime does all it can. It will attempt, I think, more than it has yet attempted; although it cannot do all it would. This is evident even to itself. The situation is a new one. In the course of the Revolution, the party which succeeded always did more than it intended, and more than at the commencement of the enterprise it was in a condition even to conceive. The success surpassed not only hopes, but pretensions. Blind instruments of a giant power, the men of the Revolution were hurried away by events more rapid than their thoughts, and carried facts into accomplishment much more extensive and terrible than their designs.

Now, on the contrary, we see a party in authority whose desires surpass their designs, and whose designs surpass their power. They would advance, and they do so; but at each step their hope lessens of attaining their end. Instead of being, like the Revolutionists, carried onwards by their momentum rather than their will, they are held back against their will by a force contrary to their momentum. With nothing, or almost nothing active and visible to oppose them, everything around is resistance; everything troubles and delays them—the instruments they employ, the air which surrounds them, the ground which they tread beneath their feet.

Whence arises this anomaly, and what does it reveal to us of the fate of the party? I do not care to busy myself with this question. I merely remark the general fact, and I do so because it has consequences of which I wish to avail myself.

It is in such moments that the truth is good to be told, although it will not be the better received by men to whom it is displeasing, or exercise more power over great events. No party disavows

its origin, none acquires that high wisdom which, in changing its nature, would change its whole destiny; even if the progress it is able to make in skill or prudence is not sufficiently extended, or prompt to save them from that definitive fate to which Providence has devoted them. These parties are no more independent than other things of the action of time. Their internal dispositions become modified as well as their situation, and these modifications render them more or less accessible to the influence of truth. When a party is carried away by the general movement of the age, when it becomes the engine of a great social crisis, neither truth nor wisdom has any effect upon its career. It crushes all who oppose it, abandons all who counsel it, and hurries blindly onwards to a goal of which it is ignorant; and it is then that, in the midst of their greatest activity, we see most clearly the weakness of men—the mere tools in working out decrees alike beyond their understanding and their will. But when the social tempest is calmed, and Providence seems to have given up the management of human affairs to ordinary laws, and the contending parties have time to look around them, to study their course, and to measure their strength, we see them resume some reason with their freedom. Instead of the fever which devoured them, a new malady gains upon them, a slow and heavy dissolution, which, without destroying the predominant character or general intentions of the party, gives more independence to individuals, and more authority to wisdom. In the course of the Revolution, the partisans of monarchy detached themselves from the Constituents, the Constituents from the Girondins, and the Girondins from the Jacobins; but the Revolution, far from being stopped or slackened, pursued with even more violence its terrible career; and in proportion as these factions became wiser, they became less powerful.

Who would think now-a-days that any one of the parties into which we are divided could thus deliver itself up to the madness of its wishes and passions, denouncing and trampling whoever refused to cooperate, and that yet it would gain strength every day, and march rapidly towards success? Nothing like this can now be seen. If in these parties there be any one who still hopes to the contrary, he is a dreamer blind to passing events, and who has neither forgotten nor learnt. Whether conquerors or beaten, outs or ins, all parties are constrained to act with wisdom and prudence: the energy of fever will not now suffice for strength; they must rally around their banner all shades of interests or opinions; for they cannot suffer one to fall away without feeling instantly its loss in their own weakness. They must even bend in some measure before their more obstinate adversaries; and this is not a counsel I give, but a fact I observe, and one which in every day more apparent in their conduct.

It is seen clearly in the party now in power, and under two characters: there is a division in the party, and in a contrary direction to that which took place twenty-nine years ago. It is not the most violent, but the most moderate and prudent, who now take the management of its affairs—those who have the best chance of enlisting general interests and floating opinions.

Even these moderates are evidently driven farther than they desire, and perhaps may end in being overturned. But in their case they will not be replaced by the more violent; the party will drag itself from impotence to impotence, just as revolution is precipitated from fury to fury. And after the evil they have caused—the greatest evil in their power—dissolved by their success, as well as weakened by their old reverses, they will be forced to feel that they have undertaken an impossibility, and that no one in the present day is able to bring about a revolution in society.

Things being in this position, it may be advantageous to throw into the midst of parties what appears to me to be the truth. No one is more aware than myself that they will not make it their rule, but it will operate as a dissolvent, insinuating itself into their disorganised constitution. It will not be met by those proud convictions, that blind confidence, that idea of an ardent and insurmountable force, which prevented its access to the revolutionary parties. The party which predominates at the present day is full of doubt and fear; it has faith neither in its own doctrines nor its own destiny. In assuming to be the protector of order, it sometimes tries to appropriate the principles of liberty. Whether it courts them because it feels its own to be decayed, or merely as a mask, is of little consequence; what is certain is, that it is surrounded by obstacles, obliged to

adopt the means of government it distrusts, to speak in a language which scandalises a portion of its adherents, to temporise, and to hesitate—and all these things open a way for truth, and give it opportunity as it advances to second the uncertainty, internal feebleness, and moral dissolution by which the party is beset. A simple fact will demonstrate this: in 1791 and 1792 the opposition in its harangues only served to irritate and accelerate the party which accomplished the Revolution. Now the opposition is not less displeasing to the governing party; but it startles it by a word, calms, obliges it to dissemble, and carries confusion into its proceedings and hesitation into its projects. It even enlightens the whole changing mass, insinuates ideas into its bosom, and necessitates a prudence before unthought of, and at which it grumbles and submits. Opposition, then, is not vain; it may have at the present moment few visible or direct effects, but it is at least able to sow, and the future will reap the fruits.

Such are the motives which impel me to write, and I believe them to be sufficient and well-founded.

On The Punishment Of Death.

Chapter I.
Limits Of The Question.

It is not a philosophical question of which I wish to treat, neither do I solicit a change in legislation. This is not a time at once calm and active enough for the principles and reformation of the laws to be discussed: but prudence is necessary at all times; and at all times, whatever may be its perils, government may commit useless faults, and cause superfluous evils to society. It is in this point of view that I wish to consider capital punishment as a political question. I would know whether the government, which has the power of prosecuting and pardoning, acts wisely when it has recourse to it, whether it consults its own interest in doing so, and whether it is constrained thereto by necessity.

It will be admitted that this is still worth the trouble of examination. Conspiracies crowd upon us. One has just been brought under judgment at Tours, another at Marseilles, and another at Nantes; the same thing is to be done at Colmar, Rochelle, and Saumur; and if we may believe the authorities which have discovered them, there are many others ready for the law. Sirejean and Vallé have been executed. New condemnations, perhaps new executions, are preparing. If they should prove useless, nay, fatal to the power which commands them!—a mistake here would surely be a melancholy one: if we take life, we should at least be convinced of the necessity for doing so.

Let those who think there is no mistake, be not too hasty in saying so. I affirm that they do themselves doubt, and that without ceasing to think they must continue to doubt. The time has been when, in a struggle among factions, or between them and the governing power, the punishment of death was not only the habitual arm, but a recognised necessity of the conqueror. It is not from seeing this punishment written in the old laws that we know the impression it made upon men, for it is also written in ours; but it had then more foundation in the manners of the time. The justice of its application was sometimes questioned, but never its utility. Power made use of it with confidence, and none were shocked by the fact. Condemnations and executions might agonize the friends of the vanquished; but the iniquity of such steps not being evident to the public, they considered them as only natural; and power in taking them, firmly believed that it was merely exercising its right, and obeying the necessity of its situation. It was thought by all that government and established order could not be maintained but by the physical destruction of its enemies.

If we now examine the government and the public when capital punishment has been pronounced, or when an execution has just taken place, or is about to do so—if we listen to words, examine thoughts, and interrogate countenances, we shall find everywhere doubt and anxiety. Power has prosecuted: was it right in provoking this judgment? It has struck: has it proved its strength or increased its peril? It does not know itself what to think: it hesitates, and almost apologises for what has been done. And this is not from the fear of appearing cruel, but because it is not sure of having been, I will not say just, but wise. It sought security, and found fear. Thus all its proceedings on such occasions are full of irresolution and inconsistency. A political prosecution pressed forward to-day is held back tomorrow; now it will try to extend its meshes, and anon to contract them; the smallest respite, an application for pardon from the meanest prisoner who has been condemned, becomes an important affair, which calls for long deliberations, the responsibility of which is thought to be of fearful importance; and neither the ill success of the conspiracy, nor the firmest credit in the Chambers, can reassure power from feeling the inquietude which besets it when obliged to accomplish an act it declares to be

necessary.

The same impression is made upon the public, which, however, is less moved, since it has nothing to decide. I do not speak of those men who, without conspiring or acting against the government, bear ill-will against it, or even of those whose habits of constitutional opposition render them suspicious of the acts and intentions of power. I address myself to that immense public who have neither political passions nor prejudices, but who desire the establishment of legal order and liberty, because these are necessary for their own wellbeing, for their business, and their daily interests. Are they inclined to imagine it justice which condemns a man to death for a political offence? Do they promise themselves more order and repose after such a consummation! Do they suppose this rigour wholesome, and does it appear necessary to their common sense? No: it startles them like a disorder, and they do not admit its urgency, or perhaps even its equity. It is difficult to persuade them that power is under any necessity of killing a man; and if there is a necessity, they will perhaps infer that the power itself must be evil. This proceeds neither from a bad feeling against authority, nor from effeminacy of manners, but solely from an unconscious but deep-rooted doubt of the usefulness as well as justice of the punishment. There is scarcely any person in our day out of the pale of faction who, after a political execution, believes the public peace more secure, or the government itself more firmly established; everybody, on the contrary, has less confidence in the strength of power, and in the future of society; and this is not by reason of the conspiracies, but of their punishment. This feeling does not surprise me, for I think it well-founded, and I shall proceed to state why. The government strikes, and the people behold the stroke, but neither the one nor the other is assured after the blow of having gained anything by it.

I have said enough, I think, to prove that there is here matter for debate. I do not suppose that government wishes to make a habit of killing only because this was done formerly, or that it acts solely to please its own passions, and satisfy its own vengeance. The use of the scaffold cannot become a mere routine; and as to the passions which it is pretended have something to say in it, I leave them out of the question, not only because they are not just, but because they are not true. It is not true that they are so strong, so persevering, and so imperious as they are made to appear. If, after having long suffered, they had sacrificed much; if they had refused themselves the consolations of life and the pleasures of the world; if they had shown themselves inflexible and incurable, nourishing in solitude their melancholy and their hope, I could comprehend, perhaps even excuse, their exigence. But they can be easily turned aside, or made to smile; and their violence has not been able to resist either the continuation of danger or the hope of security. As they do not, then, demand a satisfaction they are so well able to dispense with, they have not the right to appear ardent and severe. Such energy comes too late; and since they have no pretensions to depth, they may at least leave us the advantage of their frivolity.

Neither have I anything to question with the laws. They pronounce the punishment of death against political crime, yet I repeat that I do not blame them, that I do not invoke their abolition. I am convinced that the reforms solicited by the sentiments and manners of the time must pass into the conduct of the government, in the routine of its affairs, before being introduced into legislation. So it may be in this matter. Government influences the prosecution of political crimes; it can often stifle them before they grow of sufficient importance to come before the tribunals; it may invest them with more or less gravity; and finally, it has the right of suspending or mitigating the punishments which the law decrees. Is it necessary for it to provoke the application of capital punishment, or to allow it to be inflicted? That is my whole question. The doubt exists in every mind, even in that of the government itself; and for my part I think the doubt is in the right.

Chapter II.
Physical Efficacy Of Capital Punishment.

The necessity of punishments depends upon their efficacy. If a punishment does not attain the end proposed in inflicting it, there can be no question that it is unnecessary.

The efficacy of punishments is either physical, or moral, or both. It is physical by the impotence to which it reduces the guilty, and moral by the example it offers. The physical efficacy of the punishment of death was at first its most powerful recommendation. In killing an enemy, it did away with danger; and what could be more natural than to gratify vengeance while insuring safety?

In the present day, however, there is no longer any question of revenge. No legislation, no government, wishes to have imputed to it such barbarity. But every society and every government still desires security; and capital punishment seems to offer it.

But the efficacy of punishments is not the same in all places or at all times. It varies according to the different stages of society, the degrees of civilisation, the sentiments of the people, and the circumstances of government. Capital punishment, in spite of appearances, has not, even in a physical sense, the advantage of an immutable efficacy; for in suppressing a known enemy, it does not always suppress danger.

What was formerly the composition of society? A small aristocracy, rich and powerful; and the multitude poor, obscure, and weak, notwithstanding numerical strength. When a conspiracy was hatched by the great, it had its known and important chiefs, invested with immense power: it was the fruit of the ambition of some men, perhaps only of one, and the work of a few personal influences. On seizing two or three of the conspirators, therefore, the danger was over. The Percy family, after having placed Henry Lancaster on the throne of England, becoming discontented, conspired and made war against him; but they were defeated and proscribed, and Henry had nothing more to dread. Where are now those eminent and avowed chiefs, whom to destroy was to destroy a party? Under what proper names are peril and influence thus concentrated! Few men now-a-days have a name, and these few are of little consequence. Power has departed from individuals and families; it has left the hearths where it formerly dwelt, to spread itself abroad in society. There it circulates rapidly, and though scarcely seen in any particular spot, it is present everywhere. It is attached to the public interests, ideas, and sentiments, which no single person directs, which no one represents in such a manner as to make their fate depend in the slightest degree upon his. But if these forces are hostile to power, let it search and inquire in what hands they are deposited. Upon what head will it let fall its vengeance? There are still reformers and leaguers, but no longer a Coligny or a Mayenne. The death of an enemy is now but that of a man, and neither troubles nor weakens the party he served. If power is reassured when the life is taken, it deceives itself: its danger remains the same, for it was not the man who created it. The causes of its perils are widely-scattered and deeply-seated; and the absence of a nominal chief does not lessen their energy, or even modify their action. They do not need interpreters, instruments, or councils. The interests and opinions now exist on their own account, and are directed by their own prudence, and make their way by their own strength. No one has a monopoly of them, and no one can either lose them by mischance or sell them by treachery.

Capital punishment, in this at least, has lost its efficacy: it has no longer the prompt and sure result of taking off the head to which all eyes are directed, or of silencing the voice which speaks to all. It may search among these higher classes, in which it is said are the chiefs of parties; but whatever individual it may fix upon, in destroying him, it by no means neutralises the impending danger.

Have governments any instinctive knowledge of this fact? Does it exercise even unconsciously an influence over their conduct? One is tempted to believe so. During the last seven years, many conspiracies in France have been prosecuted and punished; but no man of consideration or of known name had a part in them. Was this because power did not fear such men, or because it

thought it could gain little by ridding itself of them? Yet it affirms constantly that every faction has its chiefs, wealthy and important men, who direct its motions and defray its expenses. How is it that these chiefs always escape detection, or that they are reserved for the parade of the tribune, but omitted in the actions before the tribunals?

The true cause is this, and it is of importance to remark it, because it proves my assertion—that the Revolution has struck down in a special manner the upper classes. I use this word the rather because it was the class, not the individual, it was the object of the Revolution to strike. Destined to change society, it was not against men, but against interests and positions, that it directed its blows. The horrible spectacle of judicial death has made so deep an impression, that great hesitation is felt in reviving its use in these more elevated regions. Desires have been expressed, intentions half revealed, even attempts begun; but as soon as any point has been reached from which, if entered, there would be no return, the courage, the will, and the capacity to do have been at an end. At this point the counsels of power are divided; its agents are timid, and its partisans refuse their support. They feel instinctively—and not less wisely—that they are entering on a frightful path, without reason to guide or profit to reward them. To treat the classes that have made the Revolution in the same manner as the Revolution has treated those it has vanquished—to act against it as it has acted against its enemies—is impossible; the very thought is madness. Why, then, direct such fury against individuals whose death would be attended with more noise than benefit? Why recommence in the bosom of the higher class that bloody struggle which will serve to excite hatred against power without really weakening its enemies? Is it necessary again to let the people see that neither consideration, fortune, nor elevated station, is any protection against the violence of political passions? They have begun to forget this, and become accustomed to believe that there are social conditions which, from their nature, are strangers to tumult and its consequences, and where the punishment of death almost never penetrates. Should this salutary belief be broken down? Should the multitude be taught that there are conspiracies in those ranks which are the most interested in maintaining order, and the exhibition presented to them of a man well-known, influential, and highly esteemed, dragged to the scaffold like the vilest malefactor? Might not more danger accrue from this spectacle than from the most powerful adversary of government? Is it not by such spectacles that the Revolution overturned not only society, but habits and ideas? Besides, when such a war takes place among men of the same position, education, and rank, it wears a much more serious aspect than elsewhere: the combatants have known, seen, and spoken to each other; those who are defeated know by whom they are so, by whom their destruction has been sought; and their friends will remember it to-morrow: thus enmities become personal, and dangers direct. Is it prudent or is it unavoidable to allow the strife to assume this character? Will men compromise themselves in person, when even success cannot avert danger, for the simple reason that danger lies in many more things than the life or hostility of individuals? Thus in proportion as the chiefs of a party become less important, the more hesitation is felt in destroying them; and the fear of incurring such responsibility is not surmounted by any feeling of its imperious necessity. That spontaneous good sense which directs men almost unconsciously, informs the friends and even depositaries of power that they would have to hunt after the life of their principal adversaries with less profit to their cause than peril to themselves. Three centuries ago, the destruction of a known enemy was our grand object; now such a consummation is dreaded and shunned: and notwithstanding the fierce declarations and blind fury of certain agents, notwithstanding even its own passions, when government is able and ready to strike the enemies it professes to fear, it surrounds itself with a coil of circumstances to prevent the blow, which compromises without serving.

It is said that men are cowardly, each seeking his own safety, and unwilling to put himself forward on behalf of the government. All that may be true; but if there was any necessity in the case, if the strength or safety of power centered in the destruction of certain men, there would not be wanting friends or agents to hire out their courage to their ambition or their servility. But even the vices of human nature change their mode of action with the time: egotism, covetousness, and fear, do not always follow the same course. No one is a stranger to the new stage of society in

which we live, no one is ignorant of the real chiefs of party; the men dangerous in themselves have disappeared, and no one believes that the suppression of such and such an adversary could dissipate, or even sensibly diminish, the dangers of power. The physical inefficacy of capital punishment in the higher ranks is deep in the minds of all. In vain would government refuse its belief, for it is no longer in a condition to act as if it did not believe, and neither fear nor passion has the power of recalling a necessity which no longer exists.

Is the punishment of death more efficacious, and therefore more necessary, against the dangers which spring up lower in society? While the high aristocracy is extinct, and conspiracies are no longer the offspring of a few eminent men, the mass of the free and active population has increased in volume, and exercises an influence it did not formerly possess. Perhaps capital punishment, useless against the fallen great, may be more necessary against the intrigues which ferment in the bosom of the multitude.

I request that it be not forgotten that the necessity of punishment depends upon its efficacy, and likewise that I am now treating of capital punishment only in its physical effects.

And first, I object to the very word ***multitude***; that is to say, in the extensive meaning which some persons would give it. To see the insolence with which such persons treat a great population, one would think that we are still in the thirteenth century; that the feudal aristocracy is now in its pride of place; and that it looks down haughtily from the height of its towers on bands of serfs scattered over its domains, or trembling bourgeois coming humbly to solicit permission to rebuild the walls of their poor town, as a defence against robbers. These persons are mistaken: society is not thus formed; there is no longer an abyss separating the higher classes from the mass of the people. The descent from the summit of the social order to its base is by means of close steps, covered with men only slightly different from those above and beneath them. This is true as regards property, industry, education, knowledge, and influence; and although some momentary confusion may be occasioned by the ruins of the old regime, the new form of society is fixed for ever in France. It is necessary to keep this in view, in order to comprehend the effects of legislation and the acts of power, since it is not for the age of Philip-Augustus, but for our own, that we have a government and laws. But let us see how things were managed formerly in the event of political crimes occurring out of the upper region of society, and in what way the governing power proceeded.

On the part of the people plots were rare—the aristocracy had that privilege. This is easily conceivable; for the latter alone could gain by or succeed in them. How could the citizens or peasants conceive the idea of changing the government and seizing the authority? When plots were on foot, they marched in the train of the great, either compelled or seduced. Neither the initiative, nor the direction, nor the fortunate chances of such enterprises, belonged to them.

However, they sometimes troubled the established order. This was by seditions, and general or local revolts, according to the causes which created them—whether oppression, famine, or occasionally new religious creeds. Then the insurrections were frightful: a frenzied multitude quitted their wretched homes, and wandered about in bands, killing, pillaging, and devastating—brutalised in their passions, blind and implacable in their vengeance, ferocious and licentious in their freedom. Such was the war of the peasants of Suabia in Germany, the insurrection of Wat Tyler in England, the Jacquerie in France, and everywhere, from age to age, a crowd of similar risings, less important, but not less hideous.

When such disorders could be repressed before they were converted into wars, it was done without much art. Almost all those who had exerted or seconded them were condemned and executed. All that was to be done was simply to hunt a population from its soil, setting fire to a score of villages, and covering the roads with bodies or limbs hanging from gibbets. When the war had broken out, it became a ferocious chase, which terminated only with the death of the insurgents; or if it was thought prudent to treat with and disperse them by promises, the promises

disappeared with the bands which had received them. Thus the peril over, even the British parliament supplicated Richard II. not to pay any attention to such pretended concessions, but to give to all his sheriffs and judges full powers to proceed against the rebels on their return to their provinces. It was not alone during the feudal servitude, in the midst of the darkness and barbarism of the middle ages, that popular movements were thus repressed. When order commenced, when the police, military force, and all the rights of sovereignty, were concentrated in the hands of government, the same means were used, but with more regularity. The number of executions which took place in the reign of Henry VIII. was above 70,000, and under Elizabeth still upwards of 19,000, and insurrections and riots did not furnish the smallest part of them. Madame Sévigné informs us in her letters how Louis XIV. punished the trifling seditions of Brittany. 'The whole of the inhabitants of a large street,' she says, 'have been hunted out and banished, and everybody forbidden on pain of death to harbour them; so that all these wretches, women newly delivered, old men and infants, are wandering away weeping from the town, without knowing whither to go, without food, and without a place to lay their heads. … Sixty citizens have been taken, and are to be hung to-morrow. … We are no longer so extravagant: one in eight days is now sufficient to keep justice going; and the gallows appears quite a refreshment.' Society did not see all this blood flow, and the king was not aware of all the executions which took place; but that the punishment of death was efficacious in a time in which such things could pass without the knowledge of society or of the king—in a time in which wholesale banishment, the gallows, and the wheel, were not merely punishments, but the ordinary arms of police—surely one must be hard of belief to doubt it. Whether in the thirteenth century, or even later, these means might have been necessary, I will not inquire. What I know is, that they were possible, and, moreover, that they were physically efficacious, since they really banished in a great measure the danger against which they were directed, positively reducing the number and strength of their enemies; falling upon the popular masses like hail upon a field of corn, cutting off all the petty chiefs, decimating the fighting-men, and, in fact, not only operating by fear, but by real enervation.

Could this be done in our day? Would the punishment of death thus employed have the same efficacy? To those who think so, and at the same time understand what they think, I have nothing to say, except that I do not fear them. The system they call for will not have even the shame of a useless trial. But how many people still believe in the efficacy of capital punishment, even in its physical point of view, without taking account of its effects or the tendency of their own opinion! The remembrance of past times governs their ideas. Some minds can accommodate themselves at once to the changes of social order, or even anticipate them; but the greater number remain blind and motionless long after the consummation has taken place. The world is full of habits without foundation, and beliefs without motive. This is an instance of the fact.

What government would now dare to use the punishment of death against the people in a manner which would render it physically efficacious? and what laws, what ministers, would prescribe or permit the gallows to be raised along the roads, or shoot men by hundreds, or dispossess and chase away the inhabitants of a canton? We are told of the softness of our manners, and the humanity of our laws; but there are many other obstacles, or rather those sentiments which protect among us the life of a man are themselves protected by the powerful facts which gave them birth. If human life is now more respected, it is that it has more force to make itself respected. Of what consequence was one of the people, a peasant or a petty bourgeois, in the times when such classes were treated in the manner we have seen? A miserable being, totally unknown, weaker and more isolated than the meanest shrub languishing in a forest of oaks. His views extended no farther than his subsistence; his death was of as little importance as his life; and the evils of his lot were as unknown as himself. His fate was allied to nothing; and no one who held any place in society thought himself compromised by the misfortunes and hardships of the multitude. For that multitude there were distinct laws and particular punishments, from which the higher classes had nothing to fear; and the condemnation and execution of a hundred seditious peasants might take place in the district, without the details

being known at a distance of thirty leagues, and without the really influential and active part of the nation feeling the least fear for themselves.

There is not a single man now in this condition in society, not a single being whoso life is of so little moment, and whose execution would make so little noise. It might have been a tempting idea to destroy one's enemies while thus isolated, silent, and obscure; at the slightest insurrection or danger the punishment of death might easily descend upon this humble race, and make havoc among them at its leisure. But now there are fewer great lords and many more men, and these all hold together. None is so high that the lowest voice cannot reach him; none so strong that the dangers of the weakest may not also threaten him; none so obscure that misfortune may not give importance to his fate; and none so isolated, whether by greatness or insignificance, that he has nothing to hope or fear from what passes around him. The condition of men in society bears now some analogy with the laws of their destiny in the world; there are no invincible inequalities and no privileges; the trials or blessings of Providence are for all; no one is sheltered more than another from misfortune, sickness, or grief; and each sees in the fate of his neighbour the image or presentiment of his own. This community of position, this parity of chances, this equality in the hand of God, is not the least powerful bond of union among men. It attracts them to each other, intermingles them in the same sentiments, hinders them from being kept aloof by the clashing of their interests and the diversity of their conditions; and, in fine, gathers them together under equal laws, and makes them feel that they have one nature and one country. This is the terrestrial destiny of man; and the present state of society begins to shape in the same fashion its political destiny. The same laws and the same chances are given to all; great diversities grow weaker, and community of interest stronger and more extended. Everything tends to teach men that they are accessible to the same evils, and exposed to the same perils, and that therefore they cannot remain indifferent to the fate of each other; while everything furnishes them with the means of communicating with, and sustaining each other. Thus, on the one hand, individual existence has more importance and power; and, on the other, the totality of existence is so closely interlaced and dovetailed, that a wound or a threat is felt simultaneously, and the means of protection simultaneously adopted.

If we would form an idea of the prodigious changes which, in the point of view I have taken, this new state of things has introduced into the relations between society and the government, let us consider what would become of power if it had now to repress in the people one of those insurrections which formerly it was so easy to manage by means of the gallows or the wheel. When we see a crowd in movement, when here and there some cries are heard, and some cudgels raised, we fancy the state in danger, call out the troops, and display the public force in its gravest aspect. I do not say that this is wrong; but what if a province rose, if armed bands traversed the country, sometimes victorious, and sometimes difficult to vanquish? This, however, is just what happened under Louis XIV. in Brittany, Languedoc, and twenty other places: here on account of a tax, there for a creed, elsewhere against an edict. Troops were sent out, punishments multiplied, the population hunted; but the confusion had no effect upon the fêtes at Versailles, and the ordinary course of affairs at Paris was undisturbed; for the state did not feel itself compromised, or power really attacked. And wherefore, it will be asked, should these violent resistances and partial disorders now inspire so much more alarm than formerly? Is it that they have a more serious effect? It is that they are no longer a mere effervescence of the multitude; that instead of popular seditions, there would now be public movements. Such is the composition of society, that the rabble, reduced in number and force, can no longer act alone in the brutality of their wants or passions. Between them and power is placed a great, wealthy, and yet working population, who, though still too little educated, are able to see far beyond mere material necessities or the fancies of the moment. This population is not given to tumults, for its members do not live upon daily wages, but work upon whatever they possess, land or capital. Thus it is very difficult to draw them away from their business; even when discontented, they would long hesitate before acting, for no one has the power to command them; and however bad a government might be, it could scarcely drive them to do worse than grumble. But if an

insurrection were really to take place, it could not be without their concurrence and consent. And thus those who, in the seventeenth century, scarcely attracted the attention of Louis XIV. at all, would now set the whole government astir, and cause it to feel that this was no question of a riot among the populace, but that a more formidable enemy and a greater danger were before it. If force was not at once successful, the authorities would despair of force, and have recourse to promises, concessions, changes of systems, to all that compulsory policy which proclaims that power has been mistaken, and has found it out. And thus, while formerly a government, opposing nothing but troops or punishments to the seditious, might be for some years at war with a portion of the country, society, in its quiet, but strong construction, animated by one common spirit, would hardly have advanced a step in real resistance before its tottering government would begin to think rather of reforms than punishments.

Is it then, I ask, is it in the midst of society thus constituted that the physical efficacy of capital punishment against the political crimes of the masses can still subsist? It is no longer a poor weak multitude, separated from the influential classes, whom it is now the question to reduce to impotence. Who would now treat the multitude, composed of students, merchants, master-workmen, and farmers, as it was treated formerly? It is there, however, that the evil would be if it burst forth; it is there that the remedy must be applied; and in order to give that remedy the direct utility which the government of Louis XIV. obtained, by hanging or chasing from the town of Rennes all the inhabitants of a turbulent street—in order to suppress the danger in the persons of its authors—what intensity, what extent would it not require to possess! But what would be the consequences? Shall we say what disgust, what horror of government, would run through this electrical society, where everything is known, everything propagated, and where millions of men in the same condition, of the same sentiments, without having ever seen or spoken to each other, yet know reciprocally their fate, and in spite of the calm around them, feel themselves menaced by a storm growling at the distance of a hundred leagues from their canton. In such circumstances two conditions are attached to the physical efficacy of capital punishment—the first is, that it weighs heavily upon the place where the danger appears; and the other, that it does not carry desolation and confusion into the whole country. Formerly, these two conditions were united; but now this is impossible, and the authority which would fulfil the first would soon feel itself more compromised by the horror and agitation spread throughout the country, than reassured by the solitude it might have made in one corner of the state.

We cannot struggle against social facts: they have roots which the hand of man cannot reach, and when they have once taken possession of the soil, it is necessary to learn to live under their shadow. There are no longer great nobles to destroy, or a rabble to decimate. Physically useless against individuals, since there are none whose life is dangerous to government, capital punishment is equally so against the masses, who are too strong and too watchful to allow it to be exercised with efficacy. In this first point of view, then, capital punishment, as a direct means of suppressing danger, is vain: it is but a custom, a prejudice, a routine, derived from a time when, indeed, it did attain the end intended by really delivering power from its enemies. And power, which still retains this worn-out weapon, is itself aware of its vanity; for when it has to do with men of any consideration, it wisely hesitates to employ it; and when, on the other hand, it is a portion of the population which it fears, the impossibility is so evident, that it never dreams of employing so terrible an instrument.

The efficacy, then, of the punishment of death must be moral, since it is not physical. This is the strong point in which its friends confide: let us examine it.

Chapter III.
Moral Efficacy Of Capital Punishment.

Considered generally, and in its moral efficacy, capital punishment, like all other punishments, has a double effect—inspiring aversion to crime, and fear of chastisement. The two ideas—crime and chastisement—are associated in the mind of man. When crime is seen, punishment is expected; when punishment is seen, crime is presumed. Founded upon this natural fact, legislation proposes in punishing not only to terrify, but also to maintain and fortify in all minds the conviction of the perversity of the acts it punishes; and it is thus it would dissuade the people from crime, and make that punishment an example.

I even think that punishments are still more exemplary by the moral impression they make, than by the terror they inspire. The laws have more force in the consciences of men than in their fears. The public reprobation and shame attached to certain acts have more power in deterring, than the chastisement which may follow. Those who are acquainted with human nature will agree with me in this; and let those who doubt only suppose the moral stigma removed from actions reckoned criminal by our code, and then inquire whether all the skill of the police, and all the rigour of power, could suffice for their prevention. Fear, no doubt, has its part in the moral efficacy of punishments; but we should not exaggerate the power of this agent, or forget the more energetic one which works to the same result.

It has been said that the moral antipathy inspired by crime is not increased by the severity of the punishment. It is true that if the punishment appears excessive, if it revolts more than conciliates the moral sentiments, if it changes the horror of the crime into pity for the criminal, it loses its desired effect. It is not true, however, that fear alone arises from severe punishments, and that they do not move the conscience still more strongly: all this varies according to the times, ideas, and manners: the punishment which formerly spoke loudly against the crime might now speak only in favour of the criminal. Moreover, even in the midst of the mildest manners, pity never so exclusively possesses the heart of man that, while beholding a great punishment merited by a great crime, he suddenly forgets the crime, to think only of the sufferings of the criminal. Pity has its sentiment of justice; and when this justice is not offended, the gravity of the punishment exercises its power alike over the conscience and the fear. I do not dispute that capital punishment has this double virtue. Neither do I believe that it now acts only by fear, or that it is, besides, so contrary to our manners that it fails as entirely in its end as would do the punishment of the wheel. I think even that, become rarer, its effect upon the imagination may have increased with the importance which a man's life takes in the public mind. But even as simple capital punishment preserves its moral efficacy, and as slow and cruel punishments have lost theirs, in like manner are introduced or developed such differences in crimes, that the same punishment does not possess the same efficacy in all.

Why does capital punishment, when applied to private crimes, such as murder, robbery, incendiarism, &c. never fail to produce this chief effect, the end of all punishments, which consists in increasing the aversion these crimes inspire? It is because it finds this aversion in all hearts, or at least because there is no dispute as to the natural criminality of the acts which it punishes. Two facts are certain—that the action made criminal by law has really taken place, and that it is really criminal. The public, power, even the accused, agree upon this. There is no question but to discover the author of an act of which no one contests the reality or the wickedness. Thus the first condition of the moral efficacy of punishment is in some sort fulfilled beforehand; it is a proved fact, which calls for chastisement, and the chastisement addresses itself to men who think in unison with the law.

In political crimes, on the contrary, these two circumstances are uncertain: it is not certain that the acts of the accused are really these which the law incriminates, nor that the acts incriminated by the law arc naturally and invariably criminal. The first uncertainty is evident: no one in the present day is ignorant that in the case of private offences it is the criminal alone who is sought out, the offence being certain; while in a political matter, such as conspiracies, offences of the press, &c. it is almost always necessary to discover in a series of actions more or less significant both the offence and the offender. As to the second uncertainty, let it not be said that in affirming

that, it also exists, I wish to enervate the laws, and leave public order without a safeguard. I affirm only that the immorality of political crimes is neither so clear nor so immutable as that of private crimes; it is constantly metamorphosed or obscured by the vicissitudes of human affairs; it varies according to times, events, and the rights and merits of power; it totters every moment under the blows of a force which pretends to fashion it according to its caprices or its necessities. It would be difficult to find in the political world a meritorious and innocent act which has not received, in some corner of the world or of time, a legal incrimination. Who shall say that all these laws were in the right? Who affirm that they have always carried into the minds of the people the conviction of their justice, and inspired, together with fear of the punishment, horror of the crime? Who will now become the absolute defender of passive obedience, and construe the rights of society as subordinate to the written law, whatever be the character of power? Such an attempt would be vain. In things so changeable and complicated, true morality does not allow itself to be thus absolutely fixed and imprisoned for ever in the text of the laws; and Providence, which so often delivers up to force the destiny of men, does not permit it thus to make and unmake crime and virtue at its pleasure. 'Do you not know,' said the president of the revolutionary tribunal to M. Engrand d'Alleray, 'the law which forbids the sending of money to emigrants?' 'Yes,' replied the old man, 'but I know of an older law which commands me to support my children.' This, which was true in 1793, will be so always, in spite of all codes, and in the face of all kinds of power. Doubtless there are real and odious political crimes; but those that are made by the laws are not always so, whatever the laws or times may be. Force exercises an immense empire over the weak mind of man; but it is not given to it to deprave it to this degree, that crimes of its own fashioning excite the instinctive antipathy attached to crimes declared as such by the true law. Tyranny apart, and even in tolerably regular times, there frequently rests upon actions of this kind a great moral uncertainty. When they raise in the public a violent animosity, it is perhaps because the public is passionate, and itself inclined to injustice; and when it is always incredulous, and secretly given to excuse them, it is because power displeases the public. Which is right, and which wrong? Force may prevent people from knowing, or at least from speaking, but in almost every case capital punishment in political crimes fails to produce, either surely or generally, the really moral impression which accompanies it in private crimes.

An analogous difference exists between these two classes of crimes as to the effect of the fear sought to be inspired by capital punishment. The robber and the murderer are isolated in society, or at least their friends, protectors, or accomplices are only robbers or murderers like themselves. This they know; and when punishment overtakes them, it is not power alone, but the whole of society, which arms itself against them. With society they were at war, and it has conquered. This victory gives the idea of an immense force directed against individuals, who can only oppose to it their courage or address. They will never have better fortune; never will a portion of the public embrace their cause; never will a day of triumph or vengeance dawn for them. They live in the midst of society like wild beasts in a country crowded by man, finding everywhere snares or enemies; without support, without shelter, and without other force than their personal strength, which every one attacks, and living in a fear which every one increases; and every condemnation, every execution of their brethren which takes place, is to them a solemn proof of the weakness of their position, and a warning of the fate which awaits them. But the enemies of a government, men inclined to conspire, or who do actually conspire, are in a very different position: they do not cease to belong to society, and they are attached to some party, to whose assistance and protection they look. This party may not wish what they wish, and may not believe what they believe; but what of that? They merely exaggerate its power, and misapprehend its intentions. In the meantime they live surrounded by men whose desires assimilate with their own, and whose illusions respond to their confidence. Who does not know what prodigious blindness possesses political factions, and with what mad certainty each reckons upon its strength and success? In each passer-by, under each roof from which the smoke rises, the robber sees an enemy; while the conspirator dreams everywhere of allies, and is confident of obtaining everywhere at least a temporary protection. And besides, if the latter is in danger, defenders will not fail him; his offence will be considered doubtful, and power unjust and violent; a thousand

kind sentiments, a thousand wise reasons, will lend their support to designs which are disapproved of, and to conduct which is blamed, but which men cannot, and will not, allow to be suppressed by iniquity. Finally, if the man falls, it will not be in this isolation, in the midst of this universal animadversion, which freezes the most audacious courage. Perhaps in a future day he will be avenged; and in this expectation his friends regard his ruin as a blow from which the strength they possess, with the aid of a little more good fortune or prudence, may henceforth preserve them.

It is not possible to intimidate a faction like a band of robbers: in order to give in such cases the moral efficacy to capital punishment which it derives from fear, and which in a matter of private crime a single execution suffices to obtain, it would be necessary to go almost so far as to render its efficacy likewise physical; and we have seen that this has obstacles still more formidable, and dangers still more serious. There is, then, no analogy of this kind between private and political crimes, which are separated by profound differences. The question is not to examine the moral efficacy of capital punishment in general; because, whether it addresses itself to the conscience or fear, it will not produce the same effect in conspiracies as in robberies. It is necessary to confine ourselves exclusively to the former class of offences, in order to appreciate its influence. There, as in other cases, it proposes for itself the double end which every punishment aims at: it would prevent the evil, in making the crime detestable and the chastisement terrible.

I have just said that political crimes are of such a description that their moral perversity is more doubtful, more variable, and less generally recognised than that of private crimes; the punishment, therefore, whatever it may be, has a work here to perform which is spared it elsewhere. When some act of the kind is proclaimed to be criminal, men are not found, as in the case of murder or robbery, decided upon its character. Convictions must be changed, and a struggle entered into not only against passions, but against ideas; and as the question is to act upon those very men who would be inclined to commit what is thus proscribed, the difficulty becomes immense. In the present state of manners, the destitute, the vagabond, or the depraved, whatever be the unhappiness of their situation, or the vice of their inclinations, never believe that they are morally permitted to rob. Everything inculcates the interdict, and recalls it to them when they forget it; and the law finds very rarely, even in them, a belief directly opposed to right. Men carried to political offences, on the contrary, are enemies alike to the convictions and commands of the law; for the law affirms the established order to be good, while they think it bad; its continuance necessary, while they desire its fall; its existence sacred, while they demand its overthrow. No point of contact exists between these men and the law which addresses them; no common principle unites them; and to obtain obedience otherwise than through fear, the law must begin by making them believe it. Before obtaining this chief and powerful efficacy, which consists in fortifying the natural antipathy to crime, punishments are here encountered by an unaccustomed obstacle. They have not, in general, to do with beliefs; they are themselves a sanction to public belief, acting upon men who have transgressed while believing. How can the sanction of a principle produce its effect in a case where the principle does not exist! It may prove the strength of an enemy, but not the justice of its cause. Great questions recur everywhere. If Providence had imposed on human actions no other curb than fear of consequences—if men entirely abandoned to the counsel of their interest or the voice of their desires, were without those convictions which introduce order into the tumult of passion, and light into the uncertainties of life—chaos would soon invade the world, and the only means of maintaining order would be the sudden abasement of our nature by the absolute loss of its liberty. But man, by his moral convictions, binds and adapts himself to the will of Providence: he is in direct communication with it, comprehends the language of its laws, admits its principles, and submits himself to them freely; and notwithstanding the struggles which agitate him, notwithstanding his constant errors, there is no need of force to substitute slavery for obedience.

What man would be in his relations with Providence if his moral principles were to fail him, men inclined to political offences pretty nearly are in their relations with power. They do not believe what it believes; they have no wish for what it wishes; they contest with it even the legitimacy of its existence. How must power act upon them? It has sense enough to understand that force alone will not suffice, that it has never had enough of this to exterminate or imprison any considerable portion of the society it governs. It must change its dispositions, and re-establish between it and them this community, if not of intentions, at least of beliefs, which gives law its true empire, arming it with the power to prevent a hundred crimes by punishing a single one, and raising its administrators to the rank of teachers of the people, whereas formerly they tried in vain to remain their jailers.

Of all the means which power employs for attaining this end, punishments assuredly are the least efficacious. Punishment supposes crime, and if the supposition is not admitted, the moral efficacy of the former disappears. When the man on whom the punishment is inflicted, and those who think with him, judge that he is unjustly smitten, in this case punishment has the effect of injustice: it irritates, confirms the hostile opinion, widens the breach between the law and its transgressors, and thus goes directly against a part of its own purpose. But if, on the contrary, the enemies of power admit that it is right in punishing them, if they see that it employs its force against them with reason, they can only have taken the part of considering themselves in a state of war. From that moment every social tie is broken; the question is no longer of laws or chastisements; plots are ambuscades, and punishments defeats. Government has lost its moral position: it has descended to an equality of force; everything is equal between it and its enemies:

as it has the right of self-defence, they have the right of attack: the claim of obedience on one side, and justice on the other, are equally false. All this belongs to society, but society is dissolved: there is nothing now but war, with the liberty of its arms, the continuity of its dangers, and the uncertainty of its results.

Of all punishments, capital punishment is that whose employment precipitates parties and power most rapidly into this last situation: it brings war to mind by rousing violent animosities, and provoking vengeance. It is therefore the punishment which possesses least of all the kind of efficacy we are now in quest of. This efficacy, I repeat, has for its condition the reform of certain ideas: it will not bear its fruit till the men it addresses consent to consider those acts culpable from which it would dissuade them; at least they must have conceived doubts on the subject, and the notion of the legitimacy of power must have entered their minds. It has often been attempted to introduce moral convictions by means of punishments, but when these have not succeeded in exterminating, they have always failed. It is said that moral convictions are not aimed at—that the struggle is only against vicious desires, inordinate wants, and criminal interests. But this is a mistake: for when the morality or immorality of an action is not evident, when there is room for the least uncertainty, then passions, interests, everything, hide themselves under opinions, and all resolve or metamorphose themselves into ideas. The most perverse and headstrong of men are disinclined to dispense with reason, and content themselves with brute force. They have ever a wish to legitimise in their own eyes even the least disinterested conduct; they carefully collect every motive, every pretext, and seize upon the slightest pretence; and what is more easy, after an unexpected overthrow, to form thus for themselves a creed which lends its support to hostility against power? Was there ever a true faction that was anything else than a union of banditti forced on by their own base interests, and accessible only to fear? The weakest government of our day might hold such a danger cheap; but punishments are desired to act in a very different sphere: to teach the citizens that it is culpable to conspire against established order, and deliver their country to the terrible chances of revolution. Be it known, however, that punishments have no power to propagate such ideas; they must already exist in the mind. It is weakness to suppose that they can be reaped when other causes have not yet sown them: this is attributing to punishments a power which they do not possess: they cannot make things be detested as criminal which are regarded as meritorious, nor can they demonstrate the moral legitimacy of power: they have no effect upon the established convictions of the people; and when these are hostile to authority, it is by other means than punishments that government can succeed in changing them, and when they will not change, punishments, instead of reforming, only strengthen their empire. Let us talk no more, then, of capital punishment preventing political crimes by inspiring a hatred of them: this really moral efficacy, however powerful against ordinary crimes, is here without reality; and the more vigorous parties become, and the more the perils of power increase, the less pretence can capital punishment make to such salutary influence. It is, then, both for government and the factious, only another step in antagonism, and for the public only another blow of destiny, fatal to the vanquished to-day, and perhaps to the conqueror to-morrow. Does it act more powerfully through fear? I have already shown that in this point of view, and by the sole difference of social position existing between conspirators and robbers, political crimes offer to the laws much less hold than private offences. But this is not the only cause which renders the terror of punishment less efficacious in political matters than is commonly supposed.

Men are influenced by different motives; and there must be an agreement between them and the means used for control. Who does not know that he cannot speak to a man whom interest governs in the same manner as he would speak to him who is ruled by passion, or to a man who is possessed by passion as to him who is directed by an opinion or a duty? We study carefully, in the private relations of life, those various dispositions of mankind, and never think of addressing ourselves to feelings which have no existence. The legislator who acts upon the masses cannot arrive at this nice justice, this special fitness of things; but he need not commit the profound absurdity of directing the same means indifferently against dispositions the most different; and

since he can avoid this, it is imperative upon him to do so, not only for the sake of justice, but for the sake of success.

Fear, for example, has more efficacy against interests than passions, and against passions than ideas: it is easier to prevent a poor man from stealing than an irritated man from seeking vengeance; and the angry man, in his turn, is more easily restrained than the fanatic who believes himself commanded to assassinate. Generally, when a man's governing principle is of a nature in some sort material, such as a purely personal interest, fear has much power: it opposes interest to interest, and all happens thus in the same sphere; for there is similitude and fitness in the impelling and opposing motive. As we approach the moral order, fear loses its virtue: it ceases to be in natural and direct relation with the impulses it would repress; it addresses them in a language not their own, gives them reasons they cannot admit, and thus falls short of the mark it aims at. But when we arrive at the purest and rarest of all motives, at the full and dominating convictions of our moral nature, fear remains without action upon the man thus placed above that world to which its power is confined.

And this is not a theory: it is a series of facts, regulated by Providence, which has willed that material and moral order shall remain distinct and profoundly different even in their union.

To which category do these causes of action belong which generally urge men to political offences? Here, also, the diversity is great; for I am far from believing that everything happens within the moral order, or even upon its confines. Among the causes which excite hostility to power are ideas, passions, and interests: here honourable sentiments or sincere beliefs, there frenzied desires or the most brutal selfishness. All these principles of action join, are confounded together, and form in their admixture a heterogeneous force, whose different elements cannot be combated by the same arms, nor be repressed by the same means.

I do not say that the fear inspired by the spectacle, or the chance of capital punishment, is without efficacy to prevent the explosions of this confused force: but I do say that its efficacy is not of a simple nature; and that even if it finds in the adversary it combats points where it can strike with success, there will be others which it cannot reach, and where its rebound will produce a contrary effect to that contemplated by the penal law.

When Charles II., urged on by the Catholics, and by his own taste for absolute power, resorted to condemnations and punishments, the opposition included, as always happens, the most heterogeneous elements. The followers of the republic joined those of Cromwell; and the fanaticism of the Puritans did not refuse an alliance with men whose disgust of frequently-ridiculous controversies had rendered them indifferent to every religious belief. To men revolted by the license of the court were joined others influenced by the love of disorder, the melancholy fruit of revolutions; and the ambitious who sought after popularity, for the sake of wealth or power, stood side by side with sincere patriots, disinterested friends of their country's liberty: thus Lord Shaftesbury voted with Lord Russell. In the same party, in fine, met together the most noble sentiments and the most culpable passions, the most sincere beliefs and the most worldly interests, the highest virtue and the most shameful desires.

What must have been, what really was, the effect of political rigour upon a party thus composed? The court triumphed at first: for those who had joined the party from interest withdrew from it; the venal sold themselves; the timid sunk into silence; old republicans, in thus losing their illusions, believed liberty lost without retrieve; Monk corrupted or abandoned his former companions; and Shaftesbury fled to Holland. Fear reigned in all its glory. But at the same time that it struck the vulnerable portion of the party, it deeply and irreconcilably offended forces which it was not its business to attack. If cowards were afraid, brave men became indignant; and if fear brought over to the court some deserters from the popular party, it likewise confirmed the people in their aversion; causing the former to think themselves in error in having attacked power, and proving to the latter their right to do so. The reformers were alienated past return; the passions, kept in

check perhaps among the great, grew furious in the rabble; the public mistrust became incurable; and all the friends of national liberty judged themselves in peril. As to the more ambitious of the party, Lord Russell and Sidney were the most unfortunate of the conspirators: they became martyrs for the people; and time soon showed that if fear had borne fruits favourable for power, it had likewise sowed some that were very bitter. Such is, in a political matter, the inevitable condition of the indirect efficacy of punishment. It is not confined to the limits in which it can be of service; it does not restrict its operation to perils which it can combat with success; but in some cases causes the desired effect, and in others one which would rather have been avoided: its influence can neither be diverted nor even foreseen. It is a weapon of unknown power, which, thrown at random, may strike one required point, and at the same time in a hundred others excite new enemies and new dangers.

The want of reflection in men explains everything: but that power which, in order to destroy political factions, calls to its aid the fear of death, commits a strange mistake; for in employing this means, it knows not what it does. It should at least, before having recourse to it, consider what is the nature of the danger it fears, what the interior composition of the factions it combats, and what will be the effects, so variable and complicated, of the punishment of death. If the question was now of such enemies as in the thirteenth century were those of established governments; if political struggles carried physical disorder suddenly into society, and the gatherings of conspirators threatened always to turn into bands of robbers, then fear would be the true weapon. If even, in our day, we dealt with seditions engendered among the multitude, provoked by some brutal passion or some physical interest—by the most pressing, for instance, the most excusable of interests, famine—there, again, I could conceive the employment of the punishment of death. It might, indeed, be needlessly and odiously abused; but it would at least be used with a knowledge of its effects against an evil to which its fear might be properly applied. Parties now, however, are very differently constituted: they unite men of all conditions, rich and poor, idle and industrious, peaceable and disorderly, bound together by numerous and systematic relations. If conspiracies do not obtain entire success, and change the face of empires, they seldom advance so far as they attempt. We live in a society recently overturned, where legitimate and illegitimate interests, honourable and blameable sentiments, just and false ideas, are so mingled, that it is very difficult to strike hard without striking wrong. We are an ancient people entering into a new social order; the errors of inexperience are seen amidst the security of civilisation; all is obscure and confused, without being entirely disorderly or violent. In such a state of men and things, to believe in the efficacy of capital punishment against political danger, and to rely on the fear it inspires as a great means of government, is to mistake both the evil and the remedy, and to employ arms at once old and poisonous, which are no longer of use, and cannot be handled without danger.

I find everywhere the same mistake; and it is by confounding times that means are misunderstood. In the former constitution of society, the moral efficacy of capital punishment was powerfully seconded by its direct and physical efficacy. When it fell upon the chief of an eminent party, known to all its members, and invested with immense power, his personal fall not only dissipated a great danger, but struck terror into the whole faction, and it was said on all hands—How has this man fallen? What! were not all his riches, his credit, his numerous followers, and his strong places, able to defend him? His adversaries are then much to be dreaded! How is it possible to escape their power? How strive against that which has destroyed such a man? Beyond the circle of political conflicts the same phenomenon is visible. The death of Cartouche or Mandrin will be a much greater example, and act much more powerfully upon robbers, than that of an obscure pickpocket. If you descend into the rabble, you will find the same relation between the moral and physical efficacy of punishments; for there the number of the victims makes up for their want of celebrity. Is it surprising that the population of a district should be paralysed with fear when they see their ranks thinned by chastisements, and encounter at every step the instruments or the ruins of this devastating power? Sepulture itself is refused to their remains, and the dead remain above ground to terrify the living.

At such a price is obtained that fear which in former times derived its terrible influence from capital punishment. If you try now to restore the vanished régime, you will not be able to fulfil the conditions; you will not be able to multiply political punishments so as to terrify by their number. A government aiming at such effects would find danger moving against it at the same pace as fear among the people. Society no longer furnishes those victims whose illustrious fall spread terror everywhere. You must act here and there against some obscure wretches, whose names are unheard, and who are known only by their misfortune. And how can you destroy such men? Not by the force of power: the conflict is too unequal. By its justice? Have a care: when interest is personal, and the superiority so immense, justice is very open to suspicion: if doubt is possible, you may count upon its becoming in many minds equivalent to a certainty. And what fear have you then inspired? Not the fear of force, but of iniquity; and a government, in my opinion, can gain nothing from the one without the other.

That, however, is the error which possesses those who, in our day, rely upon the punishment of death: they mistake the nature of the fear they spread, and believe themselves to have proved their strength when they have but made their justice or their wisdom doubtful. Strength is not so easily proved, nor always in the same manner. Two governments have ruled France despotically—the Convention, which reigned by political punishments; and Bonaparte, who made little use of them, and even took pains to avoid them. Both, by different means, were powerful, and dreaded. But was the scaffold the only strength of the Convention? No rational man can believe it: it played its part, just like conflagrations, or falling houses, or ravaging banditti; but in all these the efforts are greater than the energy, and the Convention, consuming itself almost as quickly as its enemies, fell into the abyss from which it issued; for in vain is power great—the crime by which it triumphs destroys it in our day more rapidly than ever. Bonaparte was strong in his turn; but it was not by punishments that he proved his strength, and made it to be feared. He punished some conspiracies, suppressed others, and passed over many more; he even specially passed over those which proceeded from the party opposed to the Revolution. Invested with power by the need of order and justice, and in opposition to the anarchical tyranny of the Jacobins, already worn out, he comprehended well that he must invoke power from the same interests and sentiments which had just procured him the Empire. The need of order within and of victory without the Empire had made the 18th Brumaire, and Bonaparte reigned as he had risen—by order and victory; and when by his faults he had lost or compromised victory in Europe, and security in France, he fell, still full of life, but having ceased to be strong.

If I may use the figure, there is a star which bestows their strength upon governments, and which they are not at liberty to choose or renounce without danger. They are born and live with a nature of their own, but in a situation they have not made, and under conditions they cannot direct; and their skill consists in becoming acquainted with these, and adapting themselves to them. Thus are they powerful—one by war, another by peace; this by severity, and that by gentleness—according as the different means of government have affinity with the especial laws of their destiny. And if they misunderstand these laws, and mistake the means of the government which correspond with them; if they imagine they can attempt indifferently any path they choose, and set in motion such or such a spring according to their fancy; if they consider power as an arsenal of all sorts of arms, equally useful to all comers—then their star abandons them: they hesitate, waver, try in vain a thousand resources, which fail them successively, and feeling themselves growing weaker day by day, are foolishly astonished that a course of conduct which has succeeded so well with others does nothing but increase their embarrassments and perils.

What was the star of the Restoration? Under what native laws was the present government placed? Where were its elements of power, and what means of action were fitted to its position and its nature? I would know this, in order to discover if capital punishment in political matters is really an arm for its use, and which preserves in its hands, both as regards its own interest and that of the people, a salutary efficacy. I cannot help the question becoming so extensive. I shall endeavour to keep within its bounds; but it is very necessary that I follow wherever it conducts me.

Chapter IV.
The Same Subject Continued.

I shall say but one word of external matters. The Restoration found war in France, and France, like Europe, weary of war. This was both for France and Europe a pledge of peace. Peace was then the general law of our destiny; and in it should France have sought its power, and likewise its dignity, for the one is not separated from the other, at least for long.

Within, the Restoration found neither anarchy, impiety, contempt for the laws, struggles between classes, nor any of those revolutionary scourges of which they now speak, as if they had possessed France for twenty-five years without interruption. This is not true. The old nobility lived at peace with the new, and both with the nation. Vanity had its folly as well as its pleasures, and the country thought little about the matter. Unluckily for our prospects and our rights—I thought so then, and do so still—power was at least strongly constituted, and in such a manner that disorder was not to be feared either for us or itself. Moral disorder, that internal shamelessness which incredulity produces, that domestic license, contempt for all existing forms of things, and aversion to every rule and restraint, had disappeared. Order, an imperious and blind necessity in 1799, was in 1814 a habit and a general taste, and the Restoration found it so.

It is true that order, not only politically, but morally, was without guarantees. In political respects, no real and independent institutions subsisted by their own strength, capable of protecting either the general interests against individual pretensions, or individual interests against the tyranny of general interests and the natural vices or errors of power. One man had sufficed for many, and had pretended to suffice for all. In falling, he left power entirely naked and defenceless: for it had rights, and no means of exercising them; strength, and no means of displaying it; wants, and no means of providing for them by its own efforts.

In moral respects the evil was less apparent, but still real and profound. Order reigned in social facts, and even in manners; but the principles of order were not in the soul. These principles I may sum up in two words: the firm sentiment of right and true belief. These were almost alike wanting. I will not say that in the respect for religion and morals which replaced the revolutionary cynicism there was hypocrisy, but still there was not sincerity: it was an external respect, founded upon necessities and conveniences, not upon convictions and sentiments. People considered it good, and observed it, but without having in themselves that which occasions it, and without troubling themselves as to its legitimate nature. The head of the government set the example; but if he desired its habits, he feared its principles; for while ridiculing ideas, he acknowledged their empire. Discipline without moral rule, obedience with indifference, this is all he sought, and society gradually took the character under his hand. Never had order been at once so exact, and yet so foreign, to the inner life of man; and never had there been so much regularity united with so little faith.

As for the idea of right, it was raised little above civil relations; beyond which force reigned so supreme, that it seemed as if right belonged to it alone. When there exists in a nation a will before which everything disappears, or is reduced to silence, the sentiment of right perishes; and if this will is at the same time very active, and is possessed with the passion for displaying itself on every side, in war, in peace, manifesting itself everywhere, and considering every obstacle as illegitimate, it exercises over men the most formidable corruption they can be subject to, for it deprives them of the power and even thought of resisting—that is to say, takes from them their moral existence. Right is the right of resistance: there is no other; for take that away, and every other disappears. Bonaparte struck them all to the heart, at least in their relations with his power; and thus repulsing beliefs on the one hand, and rights on the other, he carried away from the order which he maintained, without having founded it, every guarantee but habit and his own will.

What Bonaparte did not give, the Restoration could give us: this was at once its mission and its nature. It was its mission, for a government has no other than that of satisfying the wants of the

society in which it is established; not only the permanent and universal wants of society, but likewise, and above all perhaps, the special wants of its epoch. But even as Bonaparte had had to bring back external order, and to cause the cessation, by the despotism of a single will, of the anarchy of individual wills, so the Restoration, taking things where Bonaparte left them, had to infuse into external order the belief which constitutes moral order, and to replace the empire of will by the empire of right. Though less visible, these wants are not the less real; they are found at the bottom of every legitimate aspiration of every party.

It was also in the nature of the Restoration to respond to them. And from the first it was constrained to the institutions of liberty. I make use of this word, for it appears to me the only one by which the imperious necessity for the Charter can be expressed. Such constraints are not offensive to the power to which they apply, for it is Providence which directs them. The mistrust which the Restoration could not fail to excite exacted guarantees which liberty alone could offer. Thus liberty was perhaps still more necessary to the Restoration than power to the Consulate: but it is in the bosom of liberty that public beliefs are developed; it is under its shadow that general ideas germinate and grow, ideas adapted to the time and to the instinct of minds, and called forth and gathered by the secret wants of an entire people. Despotism never produces them; and the great convictions which have governed the world are never formed but against power or in a free state. The idea and the sentiment of right spring of necessity from liberty. This does not need proof, especially in modern times, when the bloody combats of the little Greek or Italian factions would not be, in the eyes of any one, liberty.

And this is not all: that which was a necessity to the Restoration was likewise analogous to its nature: it drew its force not from force itself, but from an idea. The word legitimacy has been, and will still be, much abused. One loses much by this abuse; for in trying to make it mean what it does not, we run the risk of depriving it of what it really contains of truth and strength. It expresses a right, real and obvious, though limited as rights always are, when existing simultaneously with other rights. This right has made the strength of the Restoration, and even the Restoration itself. The Restoration was the result of the influence which recollections of long possession and certain moral principles and sentiments accompanying them exercise upon the minds of men. Whatever we may think of right—its origin, conditions, limits—we should know that it is a fact, a powerful fact, and one which was felt as such by Cromwell and William III., as well as in the reign of Charles II.

It is the consequence of this fact that, founded as it is upon a moral idea, and sustained by those which are joined to or derived from it, the development of its force must be sought especially in the moral order where its principle resides. Elicited by convictions effected in virtue of a right, convictions and rights were at the Restoration the natural means of government. Subject to necessity even in the moment of triumph, obliged to yield in returning to the Revolution, it dreaded what the Revolution desired—it had to conciliate antagonistic principles and rights; but even that was a moral work foreign to its direct action, and which new sentiments and new ideas could alone accomplish. Bonaparte had rebuilt the altars, and restored its solemnities to public worship; and notwithstanding revolutionary clamours, the non-Catholics felt no alarm. After the Restoration, Catholicism came to demand, and liberty of conscience to fear much more. What had the Restoration to do to defend society and itself from this peril? Could it, like the Revolution, or even like Bonaparte, treat different communions now with severity, now with complacency, and arbitrarily restrain or permit their action? No: that would have been opposed to the general nature of its institutions, and have shocked the respect it owed to faith as well as to liberty. Another path was open to it: and that was, to lay vigorous hold upon the principles of religious liberty, to proclaim it in all its acts, to inculcate it in every mind, and to make it, in fine, one of its doctrines of government, one of its public creeds which, really adopted, are found everywhere acting by their own virtue, and maintaining order almost of themselves. All the wants of the new order prescribed to the Restoration such a course; and it had, partly in the necessities of its situation, and partly in its nature, what sufficed for this noble task. The protection accorded to religious and moral ideas was not, on its part, the confession of an error, for all these ideas

rallied spontaneously around it. The respect in which rights were held was of great importance to it, for it drew its own title from a right; and the maintenance of the public liberties was not less its policy than their establishment, for it could not, like Bonaparte, pretend to despotism by victory. It was, in fine, its condition and its destiny to rule especially by the moral influences, to aid in their development, to base on their empire the order which it found restored, and to have recourse to force but rarely, and then with regret, as a means foreign to its nature, and the necessity of which rendered its employment grievous.

If we consider the occasions when the present government has tried this means, we shall be convinced, without difficulty, that the natural laws which rule it have had little to do with its use. Sometimes, as in the slightest popular agitations, we have seen it used with a precipitation and to an extent which exhibited less skill than inquietude; sometimes, as in the proceedings of the Cour des Pairs, indications of severity were observable sufficient to inspire much alarm, but which ended merely in correctional punishments. The movement has almost always appeared above the cause, and the effect beneath the movement. I do not know if a neutral observer is in the right to judge thus; but assuredly the employment of force, and the public threats of severity, have failed both in motive and address; and many believe that power has made use of them either wrongfully or unskilfully. Either of these faults would prove that the means of governing are improper. It is not merit to succeed by force even at the moment when it is invoked; but what government does not come to the end of its means? It is still necessary that, after having set it at work, it leaves it public, convinced that this was necessary; and that it has used the means so well as to render this need more rare. If the first of its convictions fail, power is suspected of timidity and malevolence; if the second, it is taxed with want of skill, and its employment of force has weakened instead of strengthening it.

I will not go farther; I have said enough to show in what system of government the Restoration seemed to me born, and how, in trying to leave it, it would lose its advantages without acquiring those of a different system. It cannot strengthen itself more by judicial rigour than by conquests. If fear ever became the machinery of its power—if, in order to maintain itself, it was necessary to terrify the interests, opinions, and sentiments it suspected—the more pressing would be the need, the more useless would be the weapon, and the danger would increase with the necessity. Our government, then, can still less than other governments rely upon the indirect efficacy of capital punishment. Rarely simple, and often in the complication of its effects more hurtful than profitable, this means would carry into the present régime more trouble than security. No one in France or in Europe will ever think that the Restoration is called upon to crush all it may fear. It has not been able to give such proofs of its physical force, that the minds of men submit as a matter of course to its frequent use. When it strikes, many people are tempted to believe it more severe than just, or more in danger than it is in reality, and its strokes awaken less the idea of its energy than of its danger. More than one government, after great severities, has been considered still weak; and in such case it finds itself in the worst of conditions—that of a power whose weakness provokes conspiracy, and which tries afterwards to fill up, by means of punishments, the abysses which that weakness has opened. The reason is, that force must exist before it pretends to inspire fear; and in the case of the Restoration, the sources of force must be sought for elsewhere than in the means of terror. I repeat that power itself has now an instinct of this; for it has not, while administering death-punishment, that confidence, that certainty of success, which is almost its only guarantee. It causes, yet fears the sentiments this melancholy spectacle may excite, without feeling assured of the terror it wishes to inspire; and this instinct is not a mistake, but the voice of nature. It is bound to moderation in punishment, just as in its exterior relations it is bound to peace. The Charter has abolished confiscation, and the Restoration justly honours the Charter. I do not demand the abolition of capital punishment; but I am convinced that, against its enemies, government gains nothing by this agent, and would gain much by showing itself very niggardly in its use. It can no longer have a physical and direct efficacy. Its moral efficacy is not so great in political as in private offences; it is powerless in inspiring aversion to crime; it is equivocal and mixed with the most various results when tending to the propagation of fear; and it

is more feeble, more uncertain, and more perilous to the present government than to powers of a different origin and position. Is this enough? It would be well were this all. But many other reasons, and many more dangers, suggest themselves; and these I shall proceed to indicate.

Chapter V.
Double Character Of The Government.

What power seeks in the employment of capital punishment is security. I have shown that this it does not find; but that it often finds what it does not seek, and what it should and always does wish to avoid.

There are some simple truths which no one disputes, which good sense immediately admits, and yet which are no sooner admitted than forgotten. The reason is, perhaps, that being adopted without debate, we are not led to think of their consequences.

Here is a truth of this kind. Every government has a double character. Charged with maintaining public order and justice, and conducting the affairs of the state, it represents the social interest. Formed of men, and thus liable to the passions and vices of our nature, it has, besides, a personal interest, which is, to execute its will, and preserve at any price its existence.

That these two characters are united in power, that the one is legitimate, and the other illegitimate, and that institutions have for their object the constraining of the government to act by the former, and to fortify the people from the perils of the latter, who will deny? Who would even insinuate a doubt? Power itself would not dare to do so. But in this instance power forgets what it would not for a moment deny.

From the fact, that it is only called upon to act in the social interest, while it still preserves a distinct personal interest, proceeds this consequence, that all it does in virtue of the former character fortifies it, and all it does in that of the latter weakens it.

However frequently misunderstood, this is evident. I do not speak of legitimacy, nor of justice, nor of any moral obligation. Independently of every motive of this kind, it is clear that if power acts only for its own sake, in the sole interest of its will or durability, it separates itself from society, courts a risk of detection, and if detected, exposes itself to being forsaken or even attacked by that general force from which its own has sprung.

That prudence prescribes to power to show itself ever in its social, and dissemble its individual aspect, and that it is of importance to its existence to appear on every occasion the representative of the public interest, and not the minister of its own, would serve to show, if it were necessary to show, its continual efforts to appear what it is not, and to pass for the organ of society even when it acts against its wants or wishes.

To abjure its personal, in order to retain its social character, would be, on the part of power, an act of the highest virtue. To convince the people that it acts only in the general interest, and binds up its destiny in theirs, would be its greatest art. To keep itself apart, preoccupied with its own affairs, and in all the nakedness of its distinct existence, would be foolish and perilous in the extreme.

There was a time when governments could so act with less danger. When they drew their revenues from their own domains, when they possessed their places of war like an estate, when they formed armies of adventurers, attracted by the pay alone, and pledged to serve everywhere, then power had a separate existence, and a distinct form from that of society. If skilful, it still tried to identify itself with the country, and so received from it a much greater strength; but if incapable

or passionate, it could isolate itself at least for a time, to live on its own funds, and preserve some reality whilst losing its public character, and allowing its personal sentiments and interests to predominate in its acts and language.

But this time is past: power, which cannot live of itself, can no longer live by itself. Everything draws it towards society. Does it want money!—society must give it: laws?—society must approve of them. If it acts, its acts arc judged; if it speaks, its words are commented on: the public weighs constantly upon it by the rule of necessity. As the representative of society, its strength may be great, greater than ever; but if special and isolated, it is a cipher. Alone to-day, it will be nothing tomorrow.

It has, then, the greatest interest in avoiding every appearance of egotism, and in making its public character obviously predominate over its individual one.

But there are traits which belong to one more than the other of these characters, symptoms which reveal the latter, but not the former. The employment of capital punishment politically is of this kind. It announces the predominance of the personal existence of power over its social existence, and shows it to be occupied with itself, and combating a peril which perhaps threatens only itself. And what is more natural? When we look at history, and ask why so much blood has been shed on the political scaffold, it is seldom that the spirit of past society rises to reply, 'That blood was shed for me.' Governments almost always present themselves alone to give account of these punishments: their own passions, faults, interests, commanded them; and next to the victims themselves, society suffered most. I know that the prospect of this future responsibility troubles power but little, and less because it is perverse, than because, like men, it is reckless; but we have at least gathered from it this knowledge, that the necessities of a power which kills, often false with regard to itself, are almost always so with regard to society; and that if it must kill in its own defence, that defence is necessary merely because it willed those things which suited no interest but its own.

This knowledge, little disseminated formerly, and almost confined to moralists, is now popular; it has become a sort of instinct, which reveals to us, in all their extent, the position and the illusions of power. When it is said that the illusions of what we call monarchy are dissipated, and its prestiges vanished, we know not how much to believe. It is not, however, in reality, a question of illusions and prestiges; it is that things themselves are changed: every sphere of existence or of action is enlarged; and that which was particular has become general, not only for society and its guarantees, but for the government and its profit. The citizen whose affairs took him little from his corporation, whose thoughts rarely wandered beyond the walls of his town, now knows himself to be engaged and compromised in affairs of the highest importance, and in the most complicated deliberations. The words ***judgment of the state, political necessity***, which formerly struck upon his ear without his comprehending their sense, although he admitted their dominion, awaken ideas within him which trouble, and sentiments which agitate him. He has indeed reason to be moved more than formerly; for this government, which then had its sphere apart, higher and greater, but also more special and restricted, has itself become much more general, more directly, more universally associated with the interests and life of every citizen. Does it require money?—It demands it from all. Does it make laws?—They are for all. Has it fear?—All maybe its object. The distinctions in the nature of great and small exist no longer for power: its relations are with the magistrates of a village, as well as with the chiefs of the state; it has to produce an effect everywhere, and everywhere receives some motive of action. And what is astonishing in the fact of the condition of government and the disposition of the people having changed? These changes are reciprocal, and correspond with each other. If power is no longer a mystery to society, the reason is, that society has ceased to be so to power: if authority meets everywhere with minds that pretend to judge it, it is because it comes into daily contact with these minds: if they demand that its conduct shall be on every occasion legitimate, it is because it has the disposal of all the strength of the country: if the public busies itself more with the government, government likewise acts over a very different public, and power is enhanced as well as liberty.

Of what, then, do you complain? Have you so little ambition that this displeases you! It is true you have lost the independence which belongs to a private life: your passions, and your personal interests, can no more have a place in the new order which surrounds you; you may not listen to their voice without its being known, nor obey their dictates without the reproach of failing in your mission. But what a mission is yours! If you are in harmony with society, the whole of society is concentrated and reflected in you. It is whilst offering itself entirely to you, that it asks you to live only for it. Formerly, you could confide only in a factitious policy, emanating from the ideas or desires of a single man, and tormenting nations to adapt them to designs they knew nothing about. But now policy must be true—that is to say, national—and that restrains the capricious actions or arbitrary conceptions of individuals. But what strength, what lustre, what energy belongs to a true national policy! What power is the best—that which represents the interests and the will of a people, or that which accomplishes only the thoughts, and responds only to the interest, of a man! I own I have no hesitation in deciding.

Hesitation, however, is of little consequence. I only insist at present upon this new state of society, to prove that power is not free to choose; and that if its conduct were to appear dictated by the necessities of its personal situation, rather than those of the social, which should be manifested in it, it would soon fall into a profound weakness; for society would soon be aware that it was separated from the fate as well as interest of the public, and acted only for itself. And how can it be supposed that capital punishment, employed politically, will not awaken this idea in society! There are fearful times, I know, when the people themselves call for and excuse it. I do not believe nations to be secure from those frightful maladies which engender human passions and errors. But a crisis of this kind is rare, and not of long duration; and it is precisely when it does take place that capital punishment becomes most odious. Remember the burst of kindly feeling with which France turned towards the emigrants in spite of all mistrust, past animosities, and every possible prejudice, the revolutionary policy was overturned, because it could neither become just nor remain cruel. Since that period, capital punishment has been in political hands a weapon which compromises power more than serves it, and to which power has scarcely ever recourse but when in peril on its own account and from its own errors. It might be said that society, terrified by what it has seen, will no longer accept the responsibility of any political punishment, but is determined to believe that if it must be employed, government alone has need of an instrument which its own faults have rendered necessary. And that is especially true of a government which is not of yesterday, but has already held out, and is able to take its true position. If it were now only struggling into life, we might think with regret that it had not had time to become known, or to dissipate by its wisdom the perils surrounding it, and that examples were still necessary, and the severities of to-day only the forerunners of peace tomorrow. But if the government has been long enough established, if legal means and leisure have not faded in their influence, if it has been able to show itself wise, and become strong by its harmony with the public, then conspiracies cannot spring up again, nor punishments recommence, without society immediately repelling from itself both the necessity and the blame. Then power is again invested with this personal and isolated character which destroys it: it is no longer social power; and society, instead of seeing its own reflection, beholds only an interest which is not its own, wants which it disavows, and intentions in which it has no share. The justice of such a government is not true justice, and its necessities are not real necessities.

There is, in fact, in political chastisements, as in other things, a true justice and necessity, often distinct from legal justice and the necessities of power. Governments have long given up troubling themselves on the subject. In barbarous times—and their duration was long—legal justice did not seem to have been required at all; the personal necessities of power being sufficient. When attacked, it had every right to defend itself, and the execution of a conspirator called for little more delay or formality than the death of an enemy. By degrees, however, legal justice was introduced into public policy, the people began to think, and power was forced to admit that there were other things besides war, and that against crimes of this nature, as of every other, laws, forms, proofs, and judgments were necessary. This was an immense progress, and it

is now approaching its consummation. But the career of progress is not yet stayed—the public cry is still, Go on! The laws which regulate the chastisement of political crimes may be insufficient or even bad; and the necessities which deliver up culprits to the laws may be false. Society goes the length of supposing this more especially when the question is of capital punishment. Suspecting that power is isolated from it, and looks to its own interest alone, it is at the same time convinced that that interest does not suffice to legitimise punishments, and that power has not the right of defending itself at all risks. Sufficiently enlightened to know that infallible justice does not belong to any law, and that were laws even without fault in themselves, the faults of men would corrupt them in their administration, society now neither relies upon the personal wants of power nor upon the legality of its processes. It would have these wants founded on reason, and these processes in equity. Whether it obtains this or not, its demands continue; for it is aware of the justice of the debt, and though refused, it is not forgotten. Moreover, has not one political condemnation, legally pronounced, succeeded better in our days in convincing the people of its necessity and justice, than the most arbitrary executions of former times? Let not power mistake this new exaction of the public; for it is a powerful and irrevocable one, and is allied to all the progress, and all the moral wants of civilisation and of the human mind. Let it not flatter itself in thinking to escape by taking refuge behind the laws: it has long rejected their yoke, and now it would make them a shield when beaten on an open field, and would possess itself of the citadels armed against it, and then think itself inviolate. But it will be pursued to this asylum, which will be shown to have been profaned more than once by deceit and iniquity. It may plead that the punishment was legal; but it will be asked if it was just or necessary. Is it, indeed, so politically? And in what case, and under what conditions? We must descend to these questions, for the public thought itself descends to them, and will have an answer. A government which would give itself no concern in such questions, but say with Pilate—'I wash my hands of the blood of this man: see ye to it,' such governments would soon learn that they do not escape; that no deceit, no laws, can save from impending danger a power at once egotistical and hypocritical, which, in separating itself from society and truth, makes for itself a justice which is not true justice, and a necessity which is not the necessity of the country.

Chapter VI.
Justice.

Need I say that if there were a justice anterior and superior to legal justice, there would be no legal justice. Montesquieu has made this principal truth the principal idea of his book: 'To say that there is nothing just or unjust but what positive laws order or forbid, is to say that rays were not regular before the circle had been traced.' It would be strange if natural justice, in virtue of which legal justice exists, should cease to be from the moment the latter was written. But it does not cease to be, or even to speak; it has in principle its general conditions, and on each occasion its particular will, which legal justice is bound to carry out.

I shall mention presently the progress of a struggle between the two; but we must first inquire what true justice is, before supposing it to fail in obtaining what it desires. Morally speaking, there are two parts in every action—the morality of the act itself, and the morality of the agent. The morality of the act depends on its conformity with the eternal laws of truth, reason, and morality, which no man knows fully, but only aspires to know, judging according to the degree of that knowledge of the merits or demerits of human actions. The morality of the agent resides in the intention—that is to say, in the idea which he has himself conceived of the morality of the action—and in the purity of the motives which carry him on to its accomplishment. When these two are at variance, the fact is shown in the daily conduct and common language of men. 'He has done ill,' they say, 'but he intended to do well;' that is, the action may be absolutely culpable, and yet the agent personally innocent.

But will Divine justice consider only the intention? or will it punish error? I dare not decide. Error is often caused by vanity, passion, the preoccupations of personal interest, or of pride—that is to say, by what is wrong. How does this wrong affect individual unconsciousness of error? It is seldom given to men to decide the point; God alone can see clearly into the depths of the conscience. But this is certain, that the judgment of man can neither absolve the guilt of the action because of the intention of the agent, nor condemn the agent without taking the intention into account. Thus our nature wills it.

Unable to solve such a problem, legal justice is obliged to act as if it did not exist. It declares certain actions to be culpable, and punishes those who commit them, without troubling itself to inquire whether they are guilty in intention or not. And in this there is no reproach to be cast on legal justice; for the effects of bad actions are in themselves so fatal to society, that it cannot give up to individual opinion the right of deciding upon them: it declares their nature, and takes care that its laws are observed.

But there are here two remarks to be made. First, that society thus absolutely incriminating certain actions, is bound to be in the right in its condemnations; and second, that although the laws cannot be rendered subordinate to the intention of individuals, they cannot abolish this element of man's judgment; and when, therefore, in their application they have the misfortune to punish an intention evidently pure, the natural sentiment of justice is offended. Legal justice, then, runs a double risk—that of erring in its general incriminations; and that of encountering, in the application of its rules, particular facts in which a circumstance occurs it has not taken into account, and which, nevertheless, will act powerfully upon the mind of man—honesty of intention. If there is a species of action in which this double obstacle in the way of legal justice is most real and apparent, certainly it is political crime. I have already said that the character of such an offence is variable and even conditional, and that, moreover, it is difficult to decide upon and appreciate it justly. Who does not know, too, that error is nowhere more easy, and that the purest intentions are here often associated with the most immoral acts! Some persons, struck with these facts, have gone so far as to think that, morally speaking, there are no political offences; that force alone creates them; and that good or bad fortune is the test of their culpability. I do not share in this idea in any degree. It germinates in those unfortunate times when the duties and rights of citizens disappear, or become obscured, so to speak, under the mantle of despotism, or

in the storm of revolutions; but the light has not ceased to be because an eclipse has hidden it. The endeavour to change the established government, even if it did not involve any private crime, may unite in the highest degree the two general characters of crime—the immorality of the act, and the wickedness of the intention. It matters little, then, that its end is political; it does not less constitute a true crime, which ought to be punished, and perhaps with justice. Neither insurrections nor conspiracies have the privilege of innocence; and if virtue has often succumbed in its resistance to tyranny, history has no want of criminal conspirators.

What is certain is, that on no occasion is legal justice more exposed to deviate from natural justice, or has more difficulty in identifying itself with it. I leave out of question, as may be seen, everything that corrupts legal justice itself; I do not avail myself of the passions either of power, or of the judges, nor of the facility offered of twisting the laws, nor of the obstacles which the defence of the accused may meet with, notwithstanding the strict observation of forms. Suppose impartiality and liberty everywhere, and yet I say, or rather see, that even then, and through the nature of things, true justice is in danger. The moral merit or demerit of such an action has not that degree of certainty which belongs to private crime: it depends upon an infinity of circumstances, which the foresight of the law cannot reach. The consideration of intention has more power here than anywhere else; for doubt is more easy, motives less directly personal, the causes of illusion more pressing, and the passions perhaps less impure. What will prevent these facts, for they are facts, from acting upon the public mind? Who will hinder it from seeing and taking account of them? The more difficulty the judges have in adapting the laws, the more the citizens, who judge also, will be shocked to see the laws indifferent to reasons which influence their own judgment. The imperfection of legal justice will declare itself in all its extent; and, in fact, what is the imperfection of justice but injustice?

This is felt: power has not been slow in comprehending that, in placing itself thus upon moral ground, in considering actions in their communication with the laws of eternal morality and the intentions of their authors, it would often have great difficulty in defending and proving the legitimacy of its decisions. The attempt has been made to cheat the instinct of men, to elude their disposition, to compare legal with natural justice, and in order to succeed in this, the question has been carried elsewhere. Power has taken up its ground in the social interests and the maintenance of order; it has represented crimes as hurtful rather than culpable; and shunning the absolute justice of punishments, it occupies itself with their utility.

I might say much upon this transposition of the question, but I must hasten towards my end, and shall do nothing more than indicate the error. It is not true that crimes are punished especially as hurtful, nor that the ruling consideration of punishment is its utility. Attempt to condemn and punish as hurtful an act which every one considers innocent, and you will see how much you will revolt the minds of men. Men often believe acts culpable, and punish them as such, when they are not so; but they cannot endure the sight of chastisements descending from a human hand upon actions which they think innocent. Providence alone has the right of treating innocence severely without accounting for its motives. This astonishes and troubles the human mind, which, knowing that it cannot fathom the mystery here, seeks beyond our world for an explanation. But on the earth, and where human beings are the actors, chastisement has no right but over crime. No public or private interest can induce a society, however disorderly, to believe that where there is no crime, the law may still punish to prevent a danger. Moral offence is, then, the fundamental condition of chastisement. Human justice exacts this imperiously before it admits the legitimacy of punishment; and legal justice deceives, when, to free itself from the exigencies of natural justice, it attributes to itself another principle, and another end, and pretends to find them in utility. But it cannot thus escape from its name, which is justice, and become merely a combination, more or less skilful, of means of defence for the profit of such or such an interest. They confine the madman who has taken life, but do not punish him; because, being incapable of reason and responsibility, he is incapable of crime. Let the penal laws, then, not hope to escape, under the pretext of social interest, from being obliged to conform to the rules of natural justice: they will always have to submit to this criterion, whether in their generality or application; and when power

judges and punishes, it can neither change the conditions with which the judgments of moral justice are formed, nor deviate from them without causing a universal feeling of the iniquity. That being understood, and legal justice thus brought back to the empire of natural justice, I will admit that social interest is also one of the motives which enter into the discrimination of offences and their punishment. It is not the first, for it would be without value were it not preceded by the moral reality of the offence; but it is the second, for society has the right of condemning and punishing whatever is at once culpable, hurtful, and of a nature to be repressed by the laws. Moral criminality, social dangers, and penal efficacy, are the three conditions of criminal justice, the three characters which ought to be met with in the actions it condemns and the punishments it inflicts.

That is the true ground on which legal justice is established. It participates in our greatness and our misery. It is in relation at once with the sublime nature of man and the infirmity of his condition. It cannot be pure moral justice; but it is obliged to retain its principal characteristic of punishing those only who morally deserve punishment. On this condition it undertakes to repress everything that is hurtful to society; and in this design of which an interest, or, if you please, a terrestrial necessity, is the principle, it meets with another limit, and submits to another condition —that of the efficacy of the means it uses to prevent the evils it fears—or, in other words, the efficacy of written laws and external chastisements.

I arrive now at the question, thus reduced to its true elements, and examine what is, with regard to political crimes, true legal justice, and more especially with regard to capital punishment.

Let me remark, in the first place, that of the two constituent characters of every offence—the immorality of the act, and the social danger—the more the latter predominates over the former, the more the legitimacy of capital punishment becomes doubtful, and its application cruel. There are some crimes so evident, and so odious, that the instinctive feeling of men calls for the death of the culprits as the only chastisement proportioned to the deed. But a single glance will show that these are not the crimes which can put society in great danger. They outrage natural feelings and moral laws, and show in the criminal a degree of perversity or ferocity which our nature hates to look upon, as if it were insupportable to find to what a point of depravity and dishonour it could attain. Social danger is a complex idea, the fruit of reflection and knowledge, which does not awaken in mankind this spontaneous and violent antipathy. If, in all offences, the two principles of criminality were equally and exactly balanced, the penal laws would have but little trouble. But this is not the case; for offences are, so to speak, diversely composed: in one it is immorality which predominates, in another danger; and according to the relations of these two elements of crime, the punishment must vary, not only for the sake of justice, but because the public feeling expects it, and will not see justice in the punishment on any other condition. But capital punishment being the gravest of all punishments, and much the more so now when human life is more generally respected, it is naturally adapted only to crimes of such wickedness as would perhaps provoke its infliction even if it were banished from the laws. Wherever social peril is the principal element of the offence, capital punishment is no longer founded upon our moral nature; it is excessive both in justice and in public opinion.

Every one admits that, generally speaking, political crimes are in this position. They may be detestable, but, in general, they are dangerous; and it is in this latter character that the law punishes them with severity. Let me inquire if capital punishment is a necessary, or even useful severity. It is with justice I occupy myself at this moment. But it is not in the power of any law to contrive that, in the opinion of men, the justice of a punishment should be estimated chiefly according to the moral gravity of the offence; and this measure of justice is the more natural, that the punishment strikes most severely in the person of the culprit who submits to it. The justice which deals death because of social peril, when the moral criminality is feeble or doubtful, carries injustice in the face of it; and if it happened, as it sometimes does happen in political affairs, that the intention of the accused was pure, or at least excusable—that he was mistaken in the moral character of his action, and that his error proceeded from disinterested illusions—then capital

punishment would assume at once the appearance of iniquity. It would be no longer a chastisement, but the sacrifice of a human victim to terrestrial and mortal gods.

Formerly it had its excuse, I will not say in the violence of political passions, for this violence is, and will be still greater, but in their personality. Political struggles, like war, were formerly struggles, man to man, between rivals pretty nearly equal, and life was bound to the fate of power. Capital punishment, then, appeared as a species of law of retaliation, analogous not only to the state of ideas, but of realities. Danger was as near and personal as in battle. This is so true, that the greater part of the laws of barbarism—so minute in matters of private crime, so attentive in regulating the retribution according to the nature and amount of the offence—make no mention of capital punishment for a political cause. Justice had no pretence for entering here: it was of war the question was, and the danger was so visible and pressing, that the right of retaliation was too obvious to require to be written in the laws. Later, it was written, and even subjected to certain forms; but it was still retaliation, for political crimes never menaced power without first menacing the lives of men, and political perils were always preceded by personal ones. Power had thus all the rights of personal defence; but at present, the conditions of peril, as of power, are changed. The king of France has no longer enemies in the neighbouring chateaux waiting in ambush to seize his person, imprison, and perhaps kill him, and that even without the hope of reigning in his place, but merely from avarice, from vengeance, for the recovery of a domain, or for a right which he disputed, or had ravished from them. The greater number of conspiracies are vague, and a thousand barriers rise up between a government and its enemies. Instead of an individual and certain danger, the question is commonly of a complicated and social danger, formed of confused projects and means of action frequently ridiculous. How can it be thought that crimes of this kind call for capital punishment as clearly or loudly as they formerly did? Such culprits, when preparing the crime, placed themselves, as it were, at the foot of the scaffold erected by their own hands. Now this scaffold is raised laboriously, and the culprits must almost always be dragged to it from a distance, and made to mount before the eyes of a public who have seen neither distantly nor at hand either the crime or the danger. I do not believe that the condition of power is worse than it was; but if it is better, it is not power alone that should profit by the favourable change, but likewise justice. Now, justice very rarely authorises the employment of capital punishment against those crimes in which there is more appearance of social danger than moral wickedness. What will be the case if we sound the peril itself deeply? This is the motive of the punishment, the fundamental element of the criminality; and this element should at least be powerful, and the motive have the extent and reality which are attributed to it.

I will presently enter in a direct manner into this question; and I will therefore remark upon it here only in passing, and with regard to its effect on the justice of capital punishment. Observe, the question is of a social danger. I myself think with the laws. When public order is menaced, and the general forms of government or the persons who represent them are attacked, it is society which is in danger. A government must be bad, indeed, and no one can say ***how*** bad, before society prefers the terrible chance of distraction to even the slightest hope of reform. There are doings and secrets hidden by Providence under a veil which it alone can raise.

This admitted, I still insist and repeat that the question is of social danger. In order that society may suppose the peril to justify capital punishment, that peril must be its own, and in the danger of power it must see its own danger. However wearisome the words may have become, it is still necessary to repeat, that power exists only for society, and that all its rights correspond with its mission.

But is it quite certain that society is really so often in danger as power believes it to be? Is it quite certain that the dangers which power dreads are indeed those which it is the object of the penal laws to prevent? Is it not possible that they are neither so great, nor perhaps at all the same, as those which have appeared serious and frequent enough between power and society to render death a legitimate punishment?

I affirm nothing, for nothing can here be affirmed generally and beforehand; but I consider that danger in its special nature is the principal element of criminality, and I recognise in it a double character. It is not certain that it does exist, nor that it is really the social danger against which the laws are directed.

The same differences which separate political from private crimes in their relations with morality, distinguish them still in their relations with the public interest. That assassination and theft are always equally hurtful to society, and morally culpable, is never doubted, and remains true whatever may be the faults or merits of the government. There is no relation between the conduct of power and the danger occurring to society from crimes of this kind. Under a tyranny, as under the most liberal regime, the same danger exists in all its extent and intensity.

In the case of political crimes, on the contrary, danger—I mean social danger—varies according to the conduct of power, and the advantages derived from it by society. Certainly, in 1802, France was in more danger from the fall of Bonaparte than in 1814; for in 1802 Bonaparte served France faithfully, both at home and abroad, while in 1814 he compromised and oppressed her. I attach no value to a permanent and blind hostility to power; but power in its turn has no right to pretend that it will be always found equally good and equally necessary, and that its dangers are always alike dangerous to society.

Thus in the very nature of that social danger, in the name of which they would take life, there is one cause of uncertainty. Here is a second cause. In private crimes, as I have already said, at the same time that the wicked and hurtful character of the offence is indubitable, its reality is certain. A murder or robbery has been committed, and a search is made for the criminal. It is certain that an offence has been committed against morality, and society put in danger, and upon whom will the punishment fall? In a political matter, the reality even of the crime is, as we have seen, often called in question; and the social danger is likewise a matter of dispute. There are men accused of conspiracy, and in order to their conviction, it must be proved that there has been a conspiracy, or, in other words, that society has been put in danger; and if the conspiracy is not proved, neither will the danger be so, at least in the eyes of the law. While in other cases the wickedness, danger, and reality of the crime are positive data, from which the accusation sets out, here the accusation goes first, and may be proceeded upon without there being a legal crime, a social peril, or a wicked act at all.

I proceed always, and it is impossible to do otherwise, upon the hypothesis, that the danger of society and that of power is one and the same. It is the only legitimate and the only legal hypothesis. It is fully established when the power is good; and it is long before it can become so bad that society may reasonably desire its fall; and in the immense interval which separates these two terms of its career, it is not to be doubted that power has a right to make use, for its own preservation, of the laws instituted for preserving the public order in its own person. But if power forfeits this right only through greater crimes, or more absurd errors, its faults before this fatal epoch do not cease to have an influence; they have the infallible effect of weakening the feeling of society as to the danger of power and its own, and thus they introduce into legal justice, especially when severe, a measure, or at least an appearance, of iniquity. When governments separate themselves from society, and feel society retiring from them, they flatter themselves they can bring it back by severity against its enemies. They are mistaken. Society judges of the severity by the opinion it has of its own danger, not by that which it forms of theirs. If only moderate punishments wore employed, it would perhaps consider them equitable; for, though discontented with power, society does not desire its destruction, or think that it has lost every right of using the laws in its defence. But if government makes use of the laws, as if society were in full harmony with it, it awakens and fortifies the feeling of disagreement, deepens the abyss which already separates them, and allows the time to pass for filling it up by other means.

Such are the conditions to which legal justice is subjected in political affairs; such are the facts in

the midst of which it works, without power to escape from their bondage. It has to do with crimes whose moral perversity is sometimes equivocal, in which the intention may be excusable, and which cause more danger than aversion. It must rather consider, therefore, the danger than the immorality, and desire the prevention of perils which are not always equal or certain, nor perhaps menace alike power and society—thus causing society to doubt the equity of punishments, and giving power an air of egotism and isolation fatal, especially in our days, to its strength. When legal justice is called upon to pronounce judgment on such offences, it finds itself before a natural justice which takes account of every thought, weighs every fact, and speaks so loudly, that it must be faithfully obeyed. What is in such circumstances the character of capital punishment? Everything that could otherwise confer upon it a certain degree of legitimacy fails to do so here, not only in the eyes of attentive reason, but of the spontaneous instinct of men; and at the same time it meets with everything that can make it unjust, suspected, and odious; it is directed against danger and crime, but without the assurance of striking at a legitimate danger or the true criminal; and in order to arrive at justice, it runs a thousand chances of committing iniquity. And let not power aver that these chances are but little apparent; let it not flatter itself that the public is not aware of them, and show itself, in dealing justice, less exigent than truth demands. The public knows much of its own rights, and of the rights of true justice; and what it is still ignorant of, it will be taught. All such questions will be brought forward and debated over and over again. Men will learn to understand them, and they will insist upon the rights they discover themselves to possess. Truth will be aided in its entrance into their minds by their interests, sentiments, and even passions; and in proportion as it gains ground, capital punishment, flying before justice, will be driven for refuge to the last asylum where it can defend itself—the necessities, if not of society, at least of power—and thither we must follow it.

Chapter VII.
Necessity.

I might dispense with this part of the question. If capital punishment is of little efficacy, and I think I have proved the fact, how can it be necessary? However, I will glance at the question, even at the risk of meeting by the way the indirect paths which have conducted me to it.

Let it not be forgotten that I do not propose the legal abolition of capital punishment. Were I to demand this, it would be properly answered, that the existence of such punishments is necessary, though their application may seldom be so; and I would then have to demonstrate that not only is there no need of the punishment of death, but that it is absolutely useless to have it written in the laws. I admit that these are two distinct propositions which have no dependence on each other, and with the latter I do not meddle. I do not break this arm of capital punishment in the hands of power, I merely maintain that, in general, it is wrong to use it. I examine, then, very freely what is called its necessity; for if, in general, this does not exist, it is well to know it; and if ever real, we shall do no harm.

I have shown that the efficacy of punishments varies according to times, manners, and different states of civilisation. The case is the same with their necessity, not only because they are only necessary when efficacious, but for more direct reasons. Formerly the public strength was small, and individual strength great and licentious; and the severity of punishment made up for the insufficiency of the means of power. The wisest kings of the old ages directed frightful laws against the slightest disturbances. Were they wrong in so doing? I think not. Physical order was everywhere met by enemies capable of destroying it, and always ready to attempt its destruction. Central power, without administration, without police, stripped even of the chief rights of sovereignty, and reduced to the personal resources of the sovereign, could not defend society, or even itself, without constantly opposing physical force to physical force; and very frequently the cruelty of the laws, and the number of punishments, proved only its wisdom and desire to protect

the public. The chronicles of these times, too, especially praise as just and popular those princes who punished severely and frequently. They were, like the first heroes of Greece, occupied in purging society of its bandits and monsters.

But what would society of the present day think of a power which, to maintain order, had recourse to such means? It would consider such a power as odious and insane; and this because the means of order have changed with the social constitution. On the one hand, order is maintained, as it were, of itself by the general regularity of manners, the universality of labour, and the public knowledge of the true social interests; on the other, society is concentrated: the public strength is immense, and individual strength small and little aggressive. Every physical resource and every moral influence are placed in the hands of power: it disposes of the riches of the country, of its magistrates, and of its soldiers: no one is too great or too obscure not to fear it. It is everywhere, and everywhere ready to prevent crime or danger. What is the great merit of this new condition?—The maintenance of order at the expense of little blood. When disorder has been great and general, it was not the effusion of blood which could stop it: it was by good administration, not by punishments, that Bonaparte established order in France. Five hundred years earlier, and after crises much less important than revolution, they bordered the roads with gibbets, and often without success.

That which is true of the necessities of social order is also true, and even more so, of the necessities of political order. Power can now defend itself at the cost of much less blood than society.

But let us take a nearer view of the varied characters of the old and present perils of power. Whence formerly proceeded the dangers of a sovereign, or even of a minister? From his rivals and competitors. The House of York disputes the crown with the House of Lancaster, and if one of the two exterminate the other, it will reign in safety. Charles VII. had a favourite, Giac, whom the Constable of Richmond carries off', judges summarily, and puts to death; and then the constable returns to exercise a dominion over the king, which he has assured to himself by the assassination. Cardinal Richelieu struggles against dangers of the same kind, and defends himself by analogous means. Those who menace men in the possession of power are those who desire its possession. Political questions almost always occur between individuals; and death, which has power to decide either way, is called a necessity.

Where, now, are these enmities, and this personal ambition, which power thus disputed? Who flatters himself with seizing or preserving supremacy by the mere destruction of an enemy? No one. I do not speak of ministers: factions are not always mad; but none is so much so as to think that their chiefs may be invested with the ministry, by killing those of the opposite faction. As for sovereigns, more than one in Europe believes himself menaced; but is it by a rival or a pretender? Have the revolutions of Spain, Portugal, Naples, Piedmont, been the fruit of a litigation for the throne, the work of an ambitious subject?

It is evidently not so. The nature of political dangers is changed. The struggle is no longer between men, but between systems of government. The fate of ministers, or even that of dynasties, is not regulated by the fate of their adversaries, but by that of the system they adopt or represent. Formerly communities had masters, between whom the battle was fought; but now they are really free, for it is from them alone, or the great parties which divide them, that power can draw not merely its strength, but its pretensions. From them, also, can its dangers alone arise. The question is no longer who governs, but how he governs? Individuals are no longer, I repeat, but the instruments and interpreters of the general interest. Is it not clear that against such dangers, and against such adversaries, capital punishment is neither powerful nor necessary?

It has, however, one effect; and it is this: at the same time that it cannot destroy those whom power wishes to destroy, it alarms those whom it does not wish to alarm. Its blows have at once

less force and more extent than is necessary. The man it reaches is nothing in himself; he is feared and destroyed only on account of his connection with certain interests and general sentiments wherein the danger really resides. They desired to dissipate the danger, and have crushed only a man; and yet the stroke is felt throughout the whole sphere of interests of which his was the organ. These interests do not die with his death, nor are they even sensibly weakened; but the survivors estimate the intention which has killed him; and say that if it were possible they also would be killed—which, however, they know is not possible. And this persuasion is not only spread throughout the interests which exactly correspond with the conduct and language of the victim, but also throughout those connected with him by more distant relations, little felt, perhaps, during his life, but now compromised and menaced by his death. Thus power, by being mistaken in the nature of its dangers and enemies, brings upon itself an immense evil without obtaining the good it sought. It is doubly deceived in the importance it attaches to a man; considering him both greater and more insignificant than he really is. It has forgotten that, in ceasing to be the strength of his party, he has become its symbol; and that what he represents can no more be abolished in his person, than his person can be touched without its being felt throughout the vast circle of which he forms a part.

In this, again, the employment of capital punishment is a perilous anachronism. It is addressed to other times, other force, other dangers. It does not obtain what it promises, and it produces what is not wanted. It troubles or irritates the mass of society, to prevent the irritation and trouble occasioned by the voice or presence of an individual.

And is it now necessary against this mass itself? That would be a pity; for it would be all the more difficult to direct, and I have shown how doubtful its moral efficacy is, and that its physical efficacy is impossible. Nevertheless, if the necessity spoken of has any reality, it must be there, for the danger is there as well as the question. The possession of power is no longer the object of private struggles, once sustained by such bloody means; but the system and conduct of power are debated between it and society; and the former has indeed great need of defence, for it is vigorously attacked.

Why is it so, or rather with what intention is it so? This is the grand question. The rivals who formerly disputed the empire could not all possess it; and they were therefore obliged to kill each other. Is it a combat of the same nature which now takes place between power and society, or those great portions of society which it considers enemies? Is there that radical incompatibility, that impossibility of co-existing, which there is between two individuals who both pretend to the same place or the same property!

This is not, and cannot be. What its adversaries demand of power, is not the position it occupies, but a course of conduct which suits their views. General interests never govern in person, but desire to be governed according to their own feelings and desire. And this desire, morally speaking, the established government can always accomplish. If it will not do so, or does not know that such is in its power, the incapability may arise, though it is not in the things themselves: it is power which has created it, and the vexatious necessities thus created are its own fault.

Once set out in the way where it meets with such difficulties, can it turn back? Or if it persists, and proceeds in employing the means which those necessities command, will it succeed in its design? I affirm boldly that it will fail. In our day, every government which, through its misdeeds, draws a line of distinction between its own necessities and the social necessities is lost. The most terrible use of capital punishment cannot save it, for it can never take lives enough. We have seen situations of this kind: Bonaparte imposed upon himself the indefinite necessity for war, just as the Convention did the indefinite necessity for death: the Convention killed many, and Bonaparte vanquished many; but the time came when both the scaffold and victory refused to serve their former masters. Social necessities, repressed for a time, regained their dominion; and the power which had disowned them saw itself incapable of supporting the factitious

necessities which it had put in the place of truth.

I do not admit the natural necessity of capital punishment. Or if I do, for the sake of argument, it will be only to show that the admission would avail nothing. I do not suppose that any power ever existed which took no trouble to insure its definitive success, and aspired no higher than the postponement of its ruin. In fact such power does not exist; for if a government found its ruin certain at the end of the course it followed, it would immediately leave that course: what it hoped from it was really safety. But if it were so egotistical and careless as to look no farther than the present, I would again counsel it to beware. It might formerly indulge in this indifference, and count upon a long sufferance; but now everything goes quickly, the more so that society is calm, and exhibits few tokens by its agitations of the immense strength it can wield when necessary. The approach of the Revolution did not escape the inert foresight of Louis XV. If new revolutions were still nearer, perhaps they would be still less felt under the steps of power. It would do wrong, then, to be satisfied with precautions when the time would be so short and the means so uncertain.

When we inquire on all sides into the necessities and dangers of power, from not one quarter comes the answer that capital punishment is called for by necessity, or can lessen or dissipate danger. I have considered it in all its bearings and effects; and I have almost always found it without legitimate motives; without virtue when it has, if not legitimate, at least real motives; seldom efficacious; and still seldomer just. What remains, then, but the memory of its old services! Revolutions make successful use of it, it is said, and will do so still. I know it; but revolutions are not permanent; and do governments think themselves of a like transitory nature? Prodigious error! Governments would imitate them in displaying the same strength and attaining the same results. But they forget that it is their business to lay at least the foundations of that permanence which it is the fate of revolutions to destroy, and to perish in destroying. But after all, the mistake is not surprising; for it is in our day, and perhaps for the first time, that this difference has clearly appeared. Up to the middle of the seventeenth century, revolution was, if not the permanent, at least the habitual state of European society. Delivered up to force and to rival forces, and to rivalries which were really wars, society knew neither the conditions nor the means of stability and order. The same ignorance in this respect possessed government, factions, and people. They all in their respective fortunes made use of the same arms, fell into the same practices, and produced the same results. Society has now more ambition. In tyranny or disorder it demands of government quite another thing than mere change of name. It knows what it ought to have, and what it can to do. When the physical world came out of chaos, it still had its crises; but it also had its regularity, its repose, and its preserving laws. Though slower in emerging from disorder, the social world, the world of man, has begun to comprehend the profound difference between a state of peace and a state of war, between order and disorder, between revolutionary and regular governments. Forces differ as well as ideas, the means as well as the end. I admit that capital punishment is of use in revolutionary policy; but it is so in no other. A regular government making it a necessity, and employing its aid in laying the foundations of its repose and duration, would place itself in the path of revolution. If it proceeded only half-way, that which made the strength of revolutions would be its weakness; and if it entered fully, while changing its character it would change its destiny, and devote itself to the destruction which is the fate even of successful revolutions. Politically, capital punishment must in the present day be either a rapid succession of bloody oblations to the insatiable divinities, or a useless sacrifice to impotent idols.

Power itself, I repeat, feels this; its confidence in such means is rather a prejudice than a belief, and, like all prejudices, occasions disquiet and hesitation even at the moment of action. It, however, persists in this means; and we must state the true cause, stripping it of its pretexts and delusions, and show to which divinity the oblation belongs. This cause is neither justice nor necessity—it is fear; and not that legitimate and prudent fear which looks danger in the face, and takes means to avert it, but the blind cowardice which desires rather to be saved from itself than from the peril, and which, without rational intention or preconcerted design, adopts by chance whatever presents a hope of escape. Prudence desires safety; but fear dreads the aspect of the

danger, the reality of which may perhaps be greater to-morrow. But this matters little; power will have shaken off in a moment the anxieties of its situation, and will be persuaded that it has no fear. This intractable passion never changes its nature; what it is in the obscure incidents of private life, it is still in the bosom of greatness, always more occupied with the torment than the danger; always giving itself up to vain and unreasonable expedients, if they only offer a little shelter or a little respite. And when the fears of faction are joined to the fears of power, when this blind sentiment, penetrating the mass of a party, becomes a collective passion, and pushes forward one upon another individuals who fancy themselves without personal responsibility, then reason is at an end, every calculation disappears, and there is no longer a question of necessity, utility, or justice. Fear becomes its own necessity; one of those fatal necessities the empire of which endures the more it fails in success, and into which men fling themselves both mechanically and passionately, without being in a state to reflect. A terrible example of this was given by the Convention and the Jacobins.

But fear itself is deceived, and this new and last advocate of capital punishment sees itself every moment cajoled by the hopes which attach it to the cause. Such is the power of facts, even when misunderstood and violated, that in our day political severities can no more dissipate fear than danger. Their inutility is seen even by the blindest fear; they can neither procure for power, nor for the terrified factions which make use of them, more than a momentary lull, itself a source of new anxieties. Let parties especially take heed that their condition is not less changed than that of governments. Formerly many individuals retained their strength and importance after the defeat of their party; they preserved in their original force the guarantees against reaction, and still negotiated on their own account on fair conditions. But now what are ministers when their power has left them? What becomes of the most considerable men of a party when that party is overcome! They are lost in the mass of citizens, which the public laws and true justice alone protect; they may no longer act for themselves, and have no other defenders than those principles which are obstacles to every useless severity, and every pretended necessity, and which, in the matter of punishments, interdicts to power everything with which society can dispense. It is then now more than ever the interest of all, of parties as well as of power, of individuals as well as of parties, that these principles should be recognised and introduced into the practice of government. I will try to point out the means.

Chapter VIII.
Means.

Is there any one who does not demand the legal abolition of capital punishment as a political engine? I think there is, and I have contracted the obligation of proving the fact. I might, as is often done, have raised my voice against the severities of our penal code; I might especially have said that, drawn up on the issue of a violent crisis, it must bear the impress of the necessities of the day, real perhaps at that epoch, but now false and tyrannical. Revolutions have this deplorable effect in common with barbarism, that they bequeath to living generations the terrible laws which were made to put a stop to their fury. Almost everywhere in Europe the nineteenth century bears the punishment of the disorders of the fifteenth. Revolutionary France weighs in the same manner on constitutional France; and it will be long before the Charter is free from the inheritance of the Empire. But I will not pause upon this ground; ground from which power is not easily forced, and upon which it is not always wrong in fortifying itself. It is too often attacked by vague declamations and inconsiderate hopes; and declamations now-a-days are but little respected even when their subject-matter is true. Our epoch has a predilection for good sense; but it mistakes oddly sometimes what it honours with this name; degrading it, and becoming itself degraded, by conferring it upon aimless practices or dangerous inactivity. But even then this error may be managed; and for my part I do not ask of power that it will give us all the good laws it can, but merely that it will employ the existing laws agreeably to our interest and its own. This it

can do, and sometimes does. I could easily point to laws which, though not abolished, are not, and cannot be acted upon without both shame and danger. The statutes of Great Britain are full of penal laws fallen into disuse. When their formal repeal is called for, the friends of power exclaim against it; but they would exclaim quite as much were they brought into operation.

I do not ask for repeal, which would be to forget or violate indirectly recent and positive laws. The latitude which judges enjoy in England does not belong to our tribunals; and neither is it to the tribunals that I address myself. The application of the laws is their right and duty; but the government moves in a larger and freer sphere; it has great influence in political processes, both before they come before the tribunals and after they leave them. The means I seek belong to this influence, which has them completely in its power.

The prosecution and qualification of political crimes on the one hand, and the right of pardon on the other, are the means by which government can, without changing or infringing on the laws, preserve the legal domain from capital punishment, in rendering its application more rare, and thus placing its conduct in harmony with true justice, true social necessities, true prudence and its own duty.

This liberty of action should involve reason in decision; and since the arbitrary preserves a place in the attributes of power, it should be considered to create a void that must always be filled by justice and the public good.

Chapter IX.
Prosecution And Qualification Of Political Crimes.

I know that the prejudiced will here rouse themselves to repel me, and I know what they will say. They pretend that everything is foreseen and absolute in the execution of criminal justice; that the administration has no more latitude than the judges, and that in the prosecution of crime it merely executes positive laws, which command and regulate its acts as well as the judgments of the tribunals. According to such reasoners, authority knows nothing of crime before the moment of prosecution; and from that moment there is no longer either will or freedom. It is bound to prosecute, for no criminal must remain unpunished; and bound to interpret the crime according to the interpretation of the law, for the legal punishment annexed to the offence must be inflicted.

Strange contradiction! Those very men who maintain such doctrines are the same who preach respect for facts and contempt for theories; and here they twist the most evident facts, in order to adapt them to the most factitious and arbitrary theory that can be conceived.

I confine myself to political crimes, of which alone I have to treat. It is not true that authority has no knowledge of these crimes, and possesses no means for their repression before the moment they come within the ken of the law. It is untrue that even then it has not the option to prosecute or not, or that, when undertaking to prosecute, it is restrained by legal texts to a single and precise interpretation.

The greater number of political crimes are conspiracies, which is proved by the numerous accusations now brought forward. But what is a conspiracy! An attempt at crime, often nothing more than the project of an attempt. The law sees crime in the project, for it requires merely the criminal intention without waiting for the commencement of the deed. In order to stay the execution of a project which has not commenced, but exists only in the common thought of its authors, authority must know what it is; it must have tracked this thought so far in the course of its formation as to be able to seize it at the moment when it is perfected in the moral course, without having made the smallest progress in the physical course. Authority, then, is not generally here, as in the case of private crimes, surprised by an unforeseen and unexpected offence, which becomes apparent only at its consummation, and leaves nothing to be thought of but the capture of its perpetrators. On the contrary, it assists at the birth of crime, and watches it in the cradle. Why not stifle it there? What hinders it? What compels it to allow crime to grow, that it may afterwards have to prosecute it? It is surely no uncommon thing to crush a design in the bud. All wise governments have done so; they have preferred dissipating conspiracies to punishing them; and frequently, when very near their execution, they have averted the peril, and prevented the necessity of punishment, by merely showing themselves to be on their guard. Henry IV., and even Cromwell and Bonaparte, afford more than one example of this prudence. Unskilful power, and governing factions, have alone need to wait till they can arm themselves with the rigour of the laws; they alone are under the necessity of allowing crime to ripen before their eyes ere they crush it. To some the fear, and to others the passions of a party, render this perilous and culpable conduct necessary; and in our day it is of less use than ever. Two instruments now in the hands of power, and almost unknown formerly, absolve it from the necessity of having recourse to it: these are the police and publicity. By means of the police, it is enabled to penetrate into the most secret conspiracies; by publicity, conspiracies denounce and thwart themselves. Formerly authority had not so many means of obtaining information and warning; but now, besides the secret police, it has another still more efficacious agent, which, established everywhere, unveils the mysteries of society, and deprives conspirators of the resources and haunts which the general disorder offered them before. But the effect of publicity is still greater; and governments, blind as they are, lament the fact. They do not see that it works for them as well as for us; since, if publicity exposes them to the gaze of the public, it likewise exposes the public to theirs. Conspirators can no longer live in courts side by side with sovereigns, meditating on their plans by favour of the universal darkness and silence. Hypocrisy is of no more avail either for the enemies of power or for power itself. Men are formed into

classes, where each takes his place according to his own sentiments or desires; treason fades before the light; every thought, every intention, is unveiled; and conspiracies, formerly the monopoly of men powerful and remarkable on the political stage, seem now reserved for the weak and obscure. The first would still conspire, if they could do so with success; but they walk in broad day; every word, every step, draws attention; whatever be their reserve and ability, they never can obtain concealment, for publicity is the condition of their importance. If they were silent, and hid themselves in secrecy, they would cease to be what they are in their party; and how can they plot successfully without silence and concealment? Everything, in one way or other, delivers up conspiracies to power: against those of the higher class there is publicity; against those of the lower, the police; when they would be powerful, they arc difficult to form; when they would grow in the shade, they are feeble; and everywhere authority, warned in time, has a thousand means of thwarting them before they arrive at the smallest prospect of success.

How, then, can it be asserted that authority has but the severity of the law for its defence, and is therefore obliged to allow conspirators to go on towards the scaffold, tracking them quietly along that path it could so easily close! Is it imagined that punishments alone will prevent conspiracies? This is another mistake; the prospect of failure acts much more powerfully than that of chastisement in the prevention of crime. Why do so many men, in the hope of fortune or glory, face so heedlessly the cannon of battle? It is because they flatter themselves that the shot will not hit ***them***. The same confidence makes in a great measure the courage of conspirators: they know very well that the law likewise deals death, but they hope to escape its cannon—that they will be under cover from the marksman—and this is the idea which accompanies and sustains them in their enterprises. But let this idea be contradicted by facts, let them see their plots penetrated and thwarted; and here will be discouragement and fear much more efficacious than the punishment of death, which they would escape if undiscovered. I do not hesitate to say that a plot baffled by the vigilance of government, even when not punished, has more effect in intimidating than the severest chastisements inflicted upon conspirators who have failed by their own fault at the moment of the outbreak.

Who will now assert that it is the legal duty of authority to allow crime to come to a head, and wait till it is before the judges, whose office it is to condemn? Who will say that it abuses its option when it stops crime and punishment in their progress towards each other? Who, on the contrary, will deny that such is its bounden duty, and a duty the more incumbent, that it has now more means of discharging, and less interest in neglecting it?

But the partisans of condemnations have yet a refuge: they say that central authority, or the higher administration, does not institute prosecutions; that the great law officers and judges of instruction have the duty as well as right of commencing of their own accord in political as in other matters; and hence they conclude that we cannot exact from a minister that which does not depend upon him, but upon numerous and independent magistrates.

If I may be permitted to say so, I entertain a profound disgust of those hypocritical arguments which, knowing their own nothingness, lie without the hope of deceiving. In my opinion this one is of the number; but yet it must receive our attention, since it is used in the controversy. In fact I do not fear to say that, in our day, and excepting two cases within my own knowledge, no prosecutions for pure political crimes, such as conspiracies and offences of the press, have taken place but when authorised by the minister. I know well enough how these things are managed, and I do not believe that any ***procureur du roi*** is permitted to engage government in such processes against its will, or without its knowledge. Has this officer the right to do so, and would the ministers allow it? Is the action of the public ministry in matters of political crimes spontaneous and independent in principle? The question becomes important, and although forced to content myself with a glance, I will not elude it.

Under a constitutional regime, there are only two kinds of magistracies, responsible and irresponsible; and wherever power is established, justice and liberty demand absolutely one or

other of these guarantees. It is the custom to believe that independence results either from popular election, or permanence of office; but though I believe that one of the two conditions may be necessary, I do not think it is always sufficient of itself. Independence is not so easily formed; for besides its legal, it has moral conditions, which are not obtained by an act, or in a day. It does not less depend upon the personal steadiness of the magistrate, his social position, and the idea he has himself conceived of his rights, than on the origin or duration of his functions. They might render the prefects unremovable to-morrow, but they would not be as independent as the sheriffs of England, nominated by the king, and for a single year.

I do not say this in order to deny the independence of our unremovable magistrates; for I believe that, for eight years past, and especially in the higher courts, it has made a real progress. Liberty cannot begin to dawn in a country where its spirit is not everywhere diffused, even among the depositaries of power. I do not think that this independence is yet all it should be; and it is important not to allow ourselves to be deceived by words, or to see in mere exterior signs the certainty and reality of the guarantees. However this may be, it will be admitted that if permanence of office does not secure the independence of the magistrate, his want of permanence must imply that he is responsible.

Unfortunately, responsibility is not easier to create than independence; for it likewise has more important moral conditions than those written in the laws. It has been affirmed that it flows fully and sufficiently from permanence of office. But this is not the case; for just as the world has seen perpetual magistrates very little independent, so it may see removable magistrates with a very illusive responsibility. Removableness is not in itself an efficacious guarantee, or a principle of real responsibility, but for the profit of the higher authority. It is true that the power which can displace at its pleasure the magistrates it employs, is by that circumstance alone assured of their responsibility, so far as itself is concerned. But will that suffice? And when we speak of the responsibility which must supply the place of independence, is the question of that alone?

There is here a snare, perhaps placed without design, but into which we must not fall. Do we ask of ministers to make the responsibility of the ministry they undertake a reality? They reply that the public ministry is independent. Does it desire then to act as if it were so? They deprive it of this independence in alleging its responsibility to themselves. Thus they destroy the responsibility in alleging its independence, and the independence in the name of its responsibility.

So, when all the responsibility of a class of magistrates lies in their removableness, the higher power, to whom alone they are responsible, can alone profit by it. Surely it is not responsibility of this kind we seek, but responsibility to society itself, to justice, and the public interest; without which removableness is but a falsehood and a new danger.

How to escape this danger? How to realise the social responsibility of removable magistrates? There are but two means: the dependence which results from removableness must be combated by the elements of independence, which, giving magistrates a proper power, restricts the higher power in the exercise of its right, and imposes upon it the obligation of using it but seldom, with caution, and only in a case of absolute necessity; or the dependence must be complete, and the responsibility of magistrates concentrated entirely upon the high administration, which alone offers any hold to political responsibility, since it alone is called upon to the public discussion of its acts and their constitutional justification.

If I had to choose between these two means, the first would appear to me to be greatly preferable. I own that I hold that responsibility to be of little value which leaves the place where it originated to seek afar off for that where it will become real, and travels from agent to agent, growing weaker from each transition, until it has found the individual with whom it must rest. It has, in my opinion, a great chance, after so many changes, of becoming in the end illusive, perhaps even unjust. And I think besides that, without giving to the public ministry the same degree of independence which belongs to the judges, we may regret that it has none at all.

Magistrates reduced to the condition of simple agents are no longer magistrates. They are wanting both in authority and dignity, for dignity goes with independence. Moreover it happens, in the nature of things, that in many cases, in matters of private crimes, for instance, the action of the public ministry is truly spontaneous and free. Hence it follows that its position becomes a false one in those cases where it has no longer spontaneousness and liberty; and the falseness of its position proves a means of deceiving the public, who are still told of the independence of these magistrates, when, in fact, as in political affairs, there is no such thing. There results from all this for the public ministry a false and bastard position, which compromises it in the ideas of the people, but which would cease if it were indeed a magistracy invested with some personal consistence, with a proper degree of strength, with independence enough to feel itself under the weight of a direct responsibility, and summoned for the service of power, though without holding from it every element of its importance, and every law of its action. I repeat, I would much prefer, and for the sake of liberty as well as of the magistrates, a public ministry thus constituted to the hierarchical subordination of the purely administrative regime; but such things are not the work of one generation nor of a legislative will. Shall we obtain them one day, and on what conditions can such a magistracy have a place in our constitutional system? I have nothing to do with this question here; but assuredly, when the guarantees of the social responsibility of the public ministry are not found to have a degree of independence accordant with its mission, we are in the right to seek them elsewhere. They may, it is true, be of a partial and haphazard nature; but no matter, it is all that remains to us. There is here a great power, a power whose action is in a great measure arbitrary; and we need a visible and real responsibility, at least for discussion. This is nothing more than a right. I again affirm that in political matters the subordination of the public ministry is complete; that here it possesses no spontaneousness; that in almost every case it is the higher administration that orders or holds back the prosecutions, and decides upon their propriety and direction. Since it does exercise this power, it is bound to make use of it reasonably, according to the public interest: it is bound to prove that it does use it thus; and it stands responsible for using it in excess, or without necessity.

Here, then, is the first road opened to the economy of capital punishment, the first means of sparing the tribunals the necessity of a frequent application of the rigours of the law. It rests with power to smother many political offences without prosecuting them. In the present state of society it will find this easy; and in the present state of the magistracy it has the absolute right, for the prosecutions are in its hand.

Let us see the cases where it is obliged, or thinks it indispensable to prosecute. It has not been able to arrest the offence before the complete development of its legal character, or at least till it supposes chastisement to be necessary. Is it from that moment so bound by the laws, as to have no influence in the direction of prosecutions—but is obliged to force the criminal on towards the scaffold whenever the crime appears susceptible of a capital qualification?

Whoever has watched for some years past the course of political processes, must have remarked two circumstances. Sometimes the judgment has not accorded with the indictment; the court of assizes has believed it a duty, in the position of the question, to lessen the severity of the public ministry, and substitute for a capital crime one of less gravity; or the public ministry itself has reduced its first pretensions, and combated even the first finding which had admitted them. This is what M. Courvoisier at Lyons did in the affair of Maillard. More frequently the public ministry is obstinate in rigorously characterising the offence, and exacting death as its punishment; and in such cases we have seen the judges and jurors acquit the accused, rather than lend themselves to such excessive severity; so that men who would have been subjected to some punishment, had the sentence demanded been moderate, are fully acquitted because it was desired to drive them to the scaffold. I could cite many instances of this kind, but I abstain from doing so, in tenderness to the innocence thus legally proclaimed.

What do these facts prove, if not the uncertainty which often accompanies the characterisation of political crimes? And in this uncertainty, what obliges power to class them under the gravest

heads, and to show itself eager for capital punishment at the risk of obtaining none at all! If I am not mistaken here, and if, in political matters, justice, necessity, and efficacy are generally wanting in capital punishment, must not power be too happy in not having to grapple with so terrible an anomaly, and the perils which spring from it, but to find, in the very nature of such crimes, sufficient flexibility to make it easy to characterise them more moderately! Reason commands it, the reason of interest as well as of equity; for nothing can more compromise power than failing totally in a capital accusation; and experience has proved that, notwithstanding the weakness of our judiciary institutions, it could very well do without the blood it had refrained from demanding.

I am aware that it complains of the insufficiency of our laws, and imputes to them both the severity and the ill-success of its issues. They admit, it says, of no alternative: conspirators must either be arraigned as such, and the punishment of death invoked, or the prosecution must be abandoned; for there is nothing under this classification and punishment commensurate with the offence.

I do not admit the excuse. The penal code, in inflicting on the unsuccessful proposal to conspire the punishment of a long banishment, has opened wide a door for the classification of offences of a similar kind. Few attempts characterised as conspiracy correspond fully with the definition of the law; and since some features are wanting, the accusation must be indeed absurd, and the crime imaginary, if it could not be found an unsuccessful proposal of conspiracy. Why not reduce it, from the first, to this character? Because exile is considered too mild; because we are still under the dominion of those prejudices, and this false confidence in capital punishment which I have combated. The government thinks there is no safety but in bloodshed; and at the risk of not obtaining this blood, they seek capital condemnation, because ten years of exile are supposed to be nothing.

Ten years of exile nothing! Good God! with what enemies then do you deal? Are these men so powerful, so European, that they will carry wherever they go their fortune and their influence, that they will everywhere find a ***point d'appui*** from which to shake your power, and stretch forth at any distance arms long enough to reach you? That Henry III. still feared the Duke de Guise in refuge at Brussels—that Elizabeth was inquieted by Mary Stuart in France—that even in St Helena Bonaparte made his enemies tremble—may be conceived; but almost all the conspirators you prosecute are men without fame, without wealth, unknown beyond their canton, and who are unable to find in foreign countries anything but misery and oblivion. You then arm yourself even with their wretchedness; you say that it will drive them to any hazard, and that they will attempt to return and rear against you new dangers. There are indeed persons who have been sufficiently daring, who have maintained some correspondence, who have published proclamations, and who have even come to the frontiers of the country. But what risk did you run? Did M. Cuquet de Montarlot give you serious cause of alarm? Were the administration, the police, the gendarmes, the custom-houses, the passports, found to be useless against such paltry designs? And if there is really danger in any part of our frontiers, do you believe it to be caused by the presence of a few obscure and impoverished exiles?

I cannot pause upon such an idea. No, assuredly, it is not true that the punishment of exile is illusory; and if it were so, it would be from very different causes than the personal importance of the convicts. Few French men are anything in France: out of France they are nothing.

If power were in the right; if it were true that there does exist a hiatus in the penal code, and that, in desiring to inflict the severest punishments upon political crimes, our law has forgotten to define those that are susceptible of the lighter chastisements, would it be very difficult to find a remedy? It is not a rare thing to see the administration coming to the legislative power to complain of the insufficiency of the penal laws, and to ask new punishments for new offences. In general, I know, the question in such cases is of aggravation; but if it were desired to soften the laws on account of the severity of their pretensions involving a vexatious impunity, are not the

same paths open! What obliges power to remain under the necessity of requiring capital punishment for crimes which really do not merit it? What condemns it to put the judges and juries so often to the alternative of pardon or injustice? Is it not permitted to bring less violent indictments involving lighter punishments? Would it not be welcome thus to show itself at once moderate and prudent, caring alike for order and equity! It is possible that our laws in regard of political matters require some reforms of this kind, and that power, in calling for more merciful punishments, would obtain them more easily. I see nothing to prevent this new means from being adopted, of restricting the circle of capital punishment.

Thereby would be gained the important advantage of no longer offering to the country and to Europe the spectacle of such continual accusations of great political crimes brought against obscure and powerless men, and which exhibit authority always ready to arm itself with all its strength against those who are obviously incapable of putting the fate of the state in jeopardy. I do not think that power can have any profit in thus revealing all its maladies, or, if we must call them so, the maladies of the society it governs. The moral effect of such a spectacle is deplorable. It is impossible not to conclude from it, either that the revolutionary fever possesses the people, or that power is unfit to govern. That party men, delivered up to the egotism of frantic passions, delight in repeating that France is full of lepers and brigands; that general disorder is ever on the point of raging; and that the parliamentary opposition is itself but the organ of the most unsocial interests and the blindest fury—all this may be conceived: but the national honour has not been committed to the keeping of these men; they are not held in respect by their country, nor do they watch over its consideration and tranquillity in Europe. But a government must think of these duties; it belongs to the state, and it is commanded to conceal, if such exist, the moral wounds of the country, expecting meanwhile that its good conduct will succeed in curing them. Surely it is not its part to disclose such deformities, that it may avail itself of them for legitimising such or such a system of administration! I wish, however, for neither illusion nor falsehood; for I do not believe that power is bound to flatter society, or to appear ignorant of the vices or danger fermenting in its bosom.

What good can it expect from exhibiting the country so often troubled and itself so often menaced with such agitations! It is always a melancholy and dangerous situation for a government to live upon the faults and errors of its people, and to seek its strength in the manifestation of the weaknesses past or present of the country. Besides, is not power aware that disorder is contagious, especially after a great crisis, and that it is of the utmost importance to stifle its symptoms in order to remove its temptation? Much is expected from example; but it is forgotten that although there is example in punishment, there is the same in crime, and often more efficacious. Who will doubt that in a country where theft is rare, the very rarity would more powerfully contend with the temptation than would elsewhere the severest chastisements of the thieves? How can so evident an analogy be mistaken? A thousand times has it been observed: we have seen murder call forth murder, incendiaries produce incendiaries: the perverse dispositions of men reveal themselves when called upon; and when once set forth on their course, the rigour of the law must long be exercised against them before they stop. This peril is greater in political crimes than in any other; for there the guilty are more liable to self-deception, and excite in the public, by whom they are surrounded, much less contempt and aversion. What madness, then, in power to hold up those continual provocations to such crimes, which spring from the parade of political prosecutions! Truly one cannot admire too much its inconsistency. The publicity of judicial debates not only incommodes, but terrifies it; and it tries to get rid of the inconvenience by concealing its incomparable advantages. Such publicity, it tells us, reveals the temptations as well as the terrors of crime; yet it takes no care to make this spectacle rare, to refrain till the last extremity from opening a school the lessons of which it holds in such dread. How does it not see that, if these were less frequent and less solemn, they would have less power? Their solemnity depends much upon the gravity of the punishments in perspective: the public cannot feel the same interest in a process which gives but a few years of imprisonment, as if the question were of a life. If power knew how to read the souls of the audience in such a

debate; if every thought, every emotion which it raises were developed before its eyes, it would itself be troubled, and would assuredly doubt whether its expected profit were not an illusion. But, blind and unsteady, it is ignorant of this: it is not aware that every proceeding, every word of the politically accused whom it urges on to the scaffold, becomes the subject of the most animated conversations and the boldest commentaries, and that the slightest particular of his fate occasions the most lively and most enduring reflections, even in men who would not themselves have committed his imputed crime, and who would have felt but little interested, if the terrible destiny which weighs upon him had not stirred up from the bottom of their hearts every element of pity and sympathy. Such is the effect of political prosecutions which lead to the punishment of death: an effect mysterious in its extent, but infallible, and which baffles in this case the hopes of power, although power knows not how much what its supposed gains have cost.

I might go much farther: consequences present themselves in crowds, and all proclaim that the commonest prudence, the merest personal interest of power, counsels it to lower the rate of its political accusations, to diminish their number, and to make use of every means at its disposal to frustrate conspiracies without prosecuting them; in fine, to employ very rarely the punishment of death—as rarely as it is attended by true justice and true necessity. Observe what an employment a wise and skilful administration might make of its influence; observe how, without disarming itself, and without interference with the laws, it might introduce into government practical reforms conformable to the actual state of society, to the instinct of morals, and to the real interests of power. It is for such purposes that it is allowed, even here, that measure of the arbitrary always inseparable from the course of human affairs. In vain it would deny that it possesses and is able to use such a faculty. Power is full of contradictions. When incommoded by the laws, it claims arbitrary authority; when responsibility weighs upon it, it pretends to be merely the executive agent. But these sophisms deceive no one; truth easily compasses them; and when political processes multiply beyond measure, and capital punishment is continually invoked, it will be power, and not the laws, that will suffer. I have shown how, either before the prosecutions or by their direction, the legal domain of punishment might be restricted. Let us now see what influence might be exercised after judgment has been passed.

Chapter X.
The Privilege Of Mercy.

I meet here with prejudices of another kind, as unreasonable in my opinion, but more respectable, inasmuch as they are probably more disinterested and sincere. Some persons suppose that the privilege of mercy is a right purely royal, with the exercise of which the ministry has nothing to do, and of which the king alone disposes, with reference to nothing more than personal clemency or equity, and without any ministerial responsibility being attached to it, or making it a part of the enginery of government. This was likewise the opinion of the Constituent Assembly; and what resulted from it? That, in the constitution of 1791, the privilege of mercy was suppressed.

That this was a great error, none is more convinced than I; but the error was consequent on the idea which still dominated in the minds of men. Under the constitutional regime, where the inviolability of the monarch is founded upon the responsibility of ministers, no power of action would belong to him, and no act could emanate from him unaccompanied by this responsibility. Whence, otherwise, could the royal inviolability derive its meaning, or, in other words, its guarantee?

The Constituent Assembly was aware of this necessity; and yet, from the influence of old habits, the privilege of mercy was still considered as a right purely personal and irresponsible in its nature. And they came to the conclusion that it should not continue.

It is now re-established, and very properly so, like many other rights of which the sudden revolution had stripped the royal power; but at the same time, like all these rights, it has reentered the dominion of the principle which is the permanent and tutelary condition of this power. The king, acting by advice, and inviolable in everything, rules under the countersign of a responsible minister. Let those who still doubt on this point at least examine it. They have already abandoned two similar opinions: they said that the right of dissolving the Chamber of Deputies, and that of creating peers, were in like manner personal to the king, free from all ministerial responsibility. But in 1816 and 1819, the king openly exercised both by the advice of his ministers. Such was the power of facts, that it became necessary to pay homage to the truth of principles, and recognise a responsibility which appeared to flow from these acts of government. The most violent, as well as the most enlightened members of the party now in power, have exclaimed against the ministry to which they imputed them; and which, I think, would no more hesitate now than it did then. The privilege of mercy is not of another nature, for it is not placed out of the constitutional pale, and perhaps occupies a position not less important. It is forming too mean an idea of it to regard it as merely intended to illustrate the goodness of the prince, and to call down blessings upon his name. It may produce this effect, and that is one of its advantages; but it is founded upon more extended causes and more general interests. In fact it is a portion of the right of justice, a remnant of the times when princes, exercising judgment themselves, could, according to circumstances, either condemn or absolve. In the progress of social order, the right of judging has departed from the prince, but he has retained the right of pardoning. What a great example of that mysterious Wisdom which presides over the development of civilisation, and which, unconsciously to man, calls forth from the bosom of facts institutions and customs conformable to those eternal truths, the laws of which human wisdom alone could never have discovered! Balanced between the need of justice and the impossibility of giving up to the capricious or perverse will of man the right of ruling, society felt first the perils of arbitrary power; and in order to free itself, established fixed laws and independent judges, strove against the influence of individual will upon judgments, and tried to write justice beforehand, and to connect with it beforehand the judges. A great amelioration has been the result of these efforts. But truth has not allowed itself to be seized all at once; and the inevitable nature of things has not always consented to be seen in the texts of the laws. After having struggled against the arbitrary principle, it has been necessary to recur to it; and in the same way that the precision of legal judgments has been invoked against the imperfections of men, so the conscience of man has been invoked against the imperfections of the judgments. Thus the necessity of the arbitrary principle, indomitable in our weakness, makes itself felt after its danger; and in default of that infallible judge who is wanting upon earth, the freedom which the law wished to subdue in order to rule has now in its turn come to the succour of the law itself.

Such is the inevitably vicious circle of human affairs. The great error of the Constituent Assembly, both in its theories and institutions, was to mistake this fundamental element of our condition, and suppose that truth, reason, and justice could belong, fully and perfectly, to certain forms and certain powers, and that it was thus possible to banish completely the arbitrary principle: an arrogant attempt, which could only lead to tyranny. Such an attempt can never succeed, for it is in direct opposition to the present system of government which the people favour, and which it was the object of the Constituent Assembly to found. It is the grand characteristic of the representative government to accept freely, in many cases, the imperious necessity of the arbitrary principle, and at once to remedy its defects in associating it with responsibility. The greater progress we make in this system, the more shall we be convinced that responsibility in all its forms, and by the most diverse means, moral or legal, direct or indirect, is its most essential character and most powerful spring. A complete and admirable system, then, it must be, since it recognises at once the weakness of our nature and respects its dignity. In this system it is impossible to prevent arbitrary power, however needful its presence may be, from being suddenly seized upon by responsibility. If it were otherwise, the entire system would be falsified. The privilege of mercy would be no privilege at all. Has the nature of this right been well examined? It is the right of suspending, or annihilating the law; it is that 'dispensing power' which

was one of the causes of the terrible struggle of the English nation and the Stuarts. The kings of England maintained that it was their privilege to recognise in particular cases the injustice or imperfection of certain laws, and so to exempt such or such citizens from them. The country would never agree to this, and the country was right. All the laws and all the public rights would have been enervated by such a privilege. The ministerial responsibility alone could, in exercising the privilege of mercy, preserve society from that peril; for if it remains ignorant of one function of power, it will soon be so of others. The dispensing power of the Stuarts desired likewise to have the right of exempting the Catholics from certain penal clauses; but the parliament knew well that, in policy as in morals, bad principles must be put down, and it would neither allow itself to be over-ridden nor neutralised.

Where could falsehood elsewhere hide itself? Who does not know that in the exercise of the privilege of mercy, as in every other step, the king commonly decides according to the advice of his ministers, whose duty it is to study the case, and submit to him the reasons for decision? Who is ignorant that, on every occasion, the petitions for pardon are addressed to the minister of justice, and become in his office the object of an examination, which produces a report to the king, who thereupon grants or refuses his clemency? This clemency is free, absolutely free, yet it desires to be enlightened; and if I am not mistaken, when such petitions are addressed directly to the sovereign, he himself orders them to be referred to his minister, to the end that the regular course of administration should be uninterrupted. In political matters this regularity is still more scrupulous, for there the severity or clemency may affect the entire conduct of the ministry, and the general state of the country. Such affairs are always a subject of serious deliberation in the council. It matters not whether the determination which ensues be conformable or not with the advice of ministers, for if they neither disavow nor fail in carrying it into execution, it is their own; it belongs to their responsibility, like all other royal decisions, the secret of which none knows better than they. They have, then, no right to declare themselves absolved from the consequences; they have given their advice, fulfilled their task, and must be answerable. The mantle of royal inviolability is itself inviolable, and no one can pretend to cover himself with it.

Is the privilege of mercy thus brought under the common law of constitutional principles, and fixed in the province of the upper administration, an engine of government which might be used to advantage to-day, and if so, what use should be made of it as regards political crimes?

To those who would persist in seeing in it merely a means of extending mercy to individuals, and not a political instrument of general government, Montesquieu has replied for me:—'Letters of pardon,' says he, 'are a great instrument of moderate governments; the power by which a prince may pardon, when exercised with wisdom, may have admirable effects.'

And can it be otherwise? It is especially for political crimes that the privilege of mercy seems to be reserved—crimes frequently of an equivocal nature, to which sincere errors may be allied, and sentiments worthy of respect; by which society may not always appear to be threatened; in which the peril—the principal element of the crime—is wanting; and, in short, in which want of success acts more efficaciously than chastisement. In private crimes, pardon supposes error, or at least excessive severity of judgment: and it may thus have the inconvenience of shaking the authority of legal justice, or the confidence in the wisdom of the laws. Too widely used, it would point out vices to reform in the tribunals or the codes; it would make the royal clemency a new jurisdiction, a tribunal of equity called upon to revise all criminal judgments; and offering, neither in the administrative instruction which preceded the sentences, nor in their forms, any of the prudent warrants of ordinary tribunals. In political crimes, none of these inconveniences are to be dreaded: here pardon implies neither the error of the chief judges, nor even, in a legal point of view, the immoderate rigour of their decree. It neither compromises nor shakes their authority in any way: it simply reveals the intention of the sovereign of treating with gentleness even those of his subjects of whom he has to complain: a moral and politic intention, that has no dispute with the laws, and does not alter their credit, but addresses itself to a circle of sentiments or ideas completely foreign to that in which legal justice moves. One may even presume that, in such a

sphere, the habit of clemency, far from discouraging the severity of jurors or judges, would make them less timid and more free. The idea is so natural, that the public has sometimes seemed to believe that a particular political condemnation had been pronounced only in the prospect of a pardon to neutralise its rigour. Thus, by an economy of blood, we might perhaps gain the facility of example; power would have all the merit of the moderation, and the citizens who, in the courts of assize, often hesitate, and with good reason, when it is necessary to condemn a man to the scaffold, would manifest with less pain their disapprobation of his attempts or his designs.

We fear the effects of impunity; we fear that confidence of courage which supposes moderation to result from weakness or cowardice. But I have never known any governments taxed with weakness but those that were really weak; and with regard to them, I know of none to whom rigour can supply the wanting strength. It is the most obstinate error of power to take on every occasion the effect for the cause. Thus, if discontent is general, it imputes it to the symptoms by which it is manifested. Since strong governments have been rigorous, it concludes that every rigorous government must be strong. I have already exposed this absurd mistake, and I find it here in all its grossness. Doubtless it is possible that mildness may be allied to weakness, and malevolence encouraged by it; but it is not from the mildness the evil comes, but from the weakness—that real weakness which betrays itself in severity the same as in mercy. I am ashamed to insist upon these commonplaces of common sense; but what is to be done? When the error is a vulgar one, it is by vulgar truths it must be subdued. Besides, what do you call impunity? Is it banishment, imprisonment, transportation? These are the next punishments to death, and you may substitute them for it. Amusing impunity! Do you not see that similar commutations are in absolute harmony with the present state of morals and the nature of political dangers? We are no longer in the time of strong and indomitable passions, which survived suffering and irons, and were found, after twenty years of impotence and captivity, in all their energy. Such sentiments belong to those epochs when even liberty is morose, when life offers few distractions and few pleasures, when the ideas which occupy the mind of man are few and simple, and are not of that conflicting nature which confuses and agitates the soul, drifting at random in the midst of an advanced civilisation. In our day the prison or banishment takes men away from a commodious and pleasant existence; and they regret a thousand enjoyments they knew not in former times, and receive from punishment much more efficacious warning. Yet they do not experience in exile or prison those ferocious violences which formerly irritated them so deeply, rendering them as much more untractable as they were more miserable. In the present day, even without liberty, a prisoner's physical sufferings are not such as to disable him from reflecting on the causes of his misfortune, recognising his imprudences or errors, calming perhaps, or at least terrifying himself, and returning one day into society more softened than enraged. A power, however wanting in skill, would find, I am sure, in these features of our social state a thousand means of working upon the condemned enemies whose lives it had spared. Besides, whose is the necessity for the blow? Political perils are not immutable; though substantial now, perhaps in two years they will have disappeared; and the man who is to-day their instrument, will then have neither the power nor even the idea of hurting the consolidated government. A bandit or an assassin robs or kills on his own account, from motives purely personal, and without troubling himself as to whether the disposition of society is favourable, or whether he will receive from it protection or support. But political crimes are not so isolated: right or wrong, they are in correspondence with the condition of the public, from whom they promise themselves indulgence or even succour; they are to a certain extent crimes of circumstances, and would not have been committed, or perhaps conceived, if circumstances had been different. And wherefore be in such a hurry to kill when the circumstances may change! The present peril is foreseen; the condemned is in the hands of power, which, in sparing his life, may yet retain him in impotence while the danger continues. The danger past, of what use is severity? Is it so difficult to keep some mercy in reserve for days of security? If you have not this foresight, but hasten to irrecoverable steps, know you what will happen? That the trouble and danger will go on increasing, and you will be demanded an account of your needless severity. But if fortune is more favourable, and danger departs, and the storm subsides—then, when safety has returned,

and society sees no more in a pressing peril the motive of your rigour, it will forget peril and motive together: it will remember only your bloodthirstyness; and governed by that instinct of truth which does not permit us to attribute to the death of a few men the return of peace and order, it will say that you have sacrificed to your fear or your vengeance those whom you might have spared without danger.

It would be right to think thus; and the fact which is revealed in this sentiment is the political uselessness of capital punishment. It must be seen from a distance, in order to be judged properly as to its effects; and more than once, governments have had to regret having lost the opportunity offered to them by the privilege of mercy. Hurried away by the passions or perils of the moment to give it full sweep, they have afterwards found themselves weighed down by obligations and recollections, the burden of which they deplored. In the midst of the mobility of human affairs, it is a great fault in power to bind itself by irrecoverable acts. A day may come when the blood which it shed, apparently forgotten, will bubble up between it and the men it has most need of. Formerly, the brutality of manners and power of personal interests were such, that obstacles like this gave way easily before new circumstances; but in the present day, notwithstanding the unchangeable levity of our nature, they are more real and more difficult to surmount, for public opinion lends them a force which they could not always derive from the constancy of individual sentiments. The prudent use of the privilege of mercy disperses them, as it were, beforehand, and leaves power a freedom of movement, which it is of great importance for it to preserve. In what consists wisdom, if not in foresight! Let governments be possessed of that, and I doubt if they will frequently make use of capital punishment.

Here is the last consideration. I have hesitated to present it, for I would not be accused of advising cowardice; and yet I will set it down—for it is true. Formerly the depositaries of power, ministers or others, risked in political struggles their life as well as position. It was the necessity of the time that such combats should always have a revolutionary character, and that no one could retire from them vanquished to find security in repose. The constitutional system and public manners have changed this gloomy condition of public men; they may now fall without danger, and even re-enter the lists for the recovery of their power. The people are better governed, and the governors more safe. May nothing alter this new aspect of political life! Ministers would deceive themselves did they think to shake off the responsibility which rests upon them by disputing its limits. When facts become serious, and the gravest interests are compromised, then subtilties lose their empire; everything is decided with simplicity, and they answer in their whole conduct for all the counsels they have given or omitted. I know that such a prospect, presenting itself to the eyes of a public man, should not induce him to relax in his duties: it should rather teach him the obligation to look well about him; not to believe lightly in pretended necessities, or to satisfy himself in the days of his power with such frivolous excuses as have no value when those days are past; to reduce as far as in him lies that circle of political death-punishment already so happily contracted; and, in short, to employ to this end, in his function of counsellor to the throne, the whole force which his responsibility lends him.

Chapter XI.
Conclusion.

Before concluding, I have read again that treatise in which it is said we may discover the deepest and most odious secrets of tyranny—the treatise of ***The Prince***; and I have found a passage which I wish to quote. In its expressions, and even ideas, it belongs rather to the manners and policy of the sixteenth century than to our own; it speaks more especially of personal enmities and treasons, of assassinations and political perils which belong more to the ferocious struggles of personal ambition than to the clashing of general interests or contending systems of government. However, it is good to know what was thought of conspiracies and their importance by a great man, who, living in the midst of punishments and factions, an unmoved observer of facts and their results, undertook to teach governments by what prudence they might surmount such casualties.

> 'One of the most powerful safeguards,' says Machiavel, 'that a prince can have against conspiracies, is to be neither hated nor despised by the mass. The man who conspires believes always that, by the death of the prince, he will satisfy the people; but if, on the contrary, he thinks it would offend them, he will not have the courage to go forward, for the difficulties which surround conspirators are infinite. We know by experience that there have been many conspiracies, but few that have succeeded. He who conspires cannot do so alone, nor choose his companions but among those whom he supposes to be discontented. But when you have intrusted your secret to a malcontent, you have furnished him with the means of throwing off this character, for, by revealing the design, he may hope for every kind of profit. Seeing, on the one hand, the profit certain, and on the other nothing but doubts and perils, he must be a rare friend indeed, or else a very obstinate enemy of the prince, to keep faith with you. Reducing the thing to the most simple terms, I say that, on the side of the conspirators, all is fear, mistrust, and dread of chastisement; while on that of the prince are the majesty of power and of the laws, and the strength of his friends and of the state. When to all this is joined the good-will of the public, it is impossible for any one to have the temerity to conspire. In ordinary cases, a conspirator has much to fear before the perpetration of the crime; but here he has to fear even after it; for, the crime accomplished, he will have the people for enemies, and so can hope for no refuge. A number of examples on this point might be given, but I will content myself with one which occurred in the time of

> our fathers. Annibal Bentivoglio, who governed Bologna, having been assassinated by the Canneschi in a conspiracy, and leaving no heir but John, who was still an infant, the people rose after the murder and massacred all the Canneschi, an effect of the popular good-will enjoyed at that time by the family of Bentivoglio. … From this I conclude that a prince has little to fear from conspiracies, if he enjoys the good-will of the people; but that, if the people are his enemies, he has to fear everything and every citizen.' [Footnote 18]

[Footnote 18: ***Il Principe***, c. xix.; Opere di Nic, Macchiavelli, t. vi. pp. 316-318.]

I would not be so confident as Machiavel, nor go so far as to say that the popularity of power is enough to discourage the audacity of conspirators. But if, in the sixteenth century, the most profound adept in Italian policy thought that the strength of power against conspiracies resided not in its punishments, but in the satisfaction of general interests, and the relation borne to them by the system of government, how will it be in our own day? Machiavel found conspiracies very difficult to deal with, and capital punishments very insufficient when power was not popular; and now, when the question is to stir up the masses to a struggle against the powerful organisation of great governments, would conspirators have fewer obstacles to contend with? Would capital punishments have more virtue? I have already answered the question. The tasks of justice and policy are distinct, more so than they ever were, and the one cannot supply the place of the other. If policy is not equal to its own, or if it is ignorant of, or offends the public will, in vain would it summon to its assistance punishments against individuals. Punishments may destroy men, but they can neither change the interests nor sentiments of the people. But what do I wish? Neither effeminacy nor impunity. To combat a useless rigour, I have merely gathered these facts together, and have shown that against moral dangers and general forces such rigour is without efficacy. The character of generality which the dangers of power now bear will be also found in these means. It may kill one or several individuals, and severely chastise one or several conspiracies; but if it can do no more than this, it will find the same perils and the same enemies always before it. If it is able to do more, let it dispense with killing, for it has no more need of it: less terrible remedies will suffice. It will see, as Machiavel says, that a government protected by public approbation stands on a vantage-ground, where conspiracies are as impotent against power as capital punishment is impotent against conspiracies.

The End.

[Transcriber's note: The prices listed use the £sd system (or Lsd), "pounds, shillings and pence," from ***librae, solidi***, and ***denarii***. 12***d*** (pence) is a shilling. 20***s*** (shillings), or 240***d*** (pence), is a pound. The purchasing power of one pence in 1852 is about US$.58 in 2020.]

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