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European Review of History: Revue européenne d'histoire 2015, 22(3), 468-485.

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This is an Accepted Manuscript of an article published by Taylor & Francis in *European Review of History: Revue européenne d'histoire* on 26/06/2015, available online:

<http://dx.doi.org/10.1080/13507486.2015.1036231>

Date deposited:

30/03/2015

Embargo release date:

26 December 2016



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Concepts of Citizenship in France

During the Long Eighteenth Century

The French Revolution is commonly seen as the moment when modern democracy and citizenship first appeared on the European stage.¹ There is undoubtedly some truth in this. Universal male suffrage first appeared in the elections to the Convention in 1792 and was then enshrined in the Revolutionary Constitution of 1793, though the latter was never implemented. Moreover this period witnessed detailed discussions concerning the rights (and duties) of citizens; the extension of political participation to poorer inhabitants; the rights of black slaves in the colonies; and even whether women should be granted the right to vote. The word 'citoyen' itself was far more prevalent by the 1790s than it had been a century earlier. Not only was it cited in a number of pamphlets and political documents, but by the middle of the decade it had even replaced 'Monsieur' as the common form of greeting.

However, these ideas did not emerge out of nowhere. Rather, revolutionary theories and practices grew out of eighteenth-century debates and the developing conceptions of citizenship they engendered. In particular, from the late seventeenth century, Bodinian and rights-based conceptions began to vie with the more conventional ancient usage and enacted a transformation whereby citizenship regained contemporary relevance and importance.² Moreover, it

was precisely the tensions within these earlier debates, and in particular the ambiguities inherent in the rights-based conception, that sparked some of the key controversies surrounding citizenship that marked the early years of the Revolution.

Ancient Citizenship

Like many European political concepts, 'citizenship' ('citoyenneté' in French) had its origins in the ancient world.³ The ancient understanding of the concept combined two elements. In the first place, a citizen was an inhabitant of a city (both the English 'citizen' and the French 'citoyen' are derived from the Latin *civis*). However, to be a citizen in the ancient world required more than simply living in a particular urban space. Many other groups of people who were not classed as citizens lived in ancient Athens, Sparta and Rome – including children, women, slaves, and foreign visitors. What therefore distinguished the citizens from the other inhabitants of the city-states was that they were eligible to participate in the political life of the city. As Aristotle put it: 'he shares in the administration of justice, and in offices.'⁴ Though Aristotle was keen to make clear that citizenship differed under different forms of government, and that his definition 'is best adapted to the citizen of a democracy; but not necessarily to other states', it was this definition that endured.

According to Charlotte Wells, this ancient concept of citizenship – filtered via Italian Renaissance theorists – was already being applied to France in the sixteenth century, by figures such as Jean Bacquet and René Choppin.⁵ Although it was eclipsed in the seventeenth century, Wells argues that it was revived in the eighteenth century and went on to form the basis of the modern concept of citizenship that developed during the Enlightenment.

The ancient conception of citizenship was certainly commonplace in France during the eighteenth century. However, for the most part, it was presented as an historical concept – a feature of the ancient world. Thus many of the references to citizenship in the works of eighteenth-century authors (especially in the first half of the century) were concerned with the politically active inhabitants of ancient states. Moreover, definitions of the term ‘citoyen’ in dictionaries and works of reference usually included some discussion of Greek or Roman citizens. For example, in the 1702 edition of his *Dictionnaire royal, François et Anglois*, Abel Boyer referred to ‘*Les Citoyens de l’ancienne Rome*’.⁶ Similarly, in his article ‘Citoyen’ in the *Encyclopédie* Denis Diderot devoted a considerable amount of space to discussing the requirements for citizenship in ancient Athens and Rome.⁷

It was also this concept of citizenship that was at the heart of Montesquieu’s understanding of republican government in *De L’Esprit des lois*. He famously

defined republican government as '*that in which the people as a body, or only a part of the people, have sovereign power*'.⁸ He then went on to demonstrate that it was a form of government associated with the small city-states of the ancient world. The examples to which he referred to illustrate his account were almost all from Athens, Sparta or Rome.⁹ Moreover, he insisted that such a system of government was not compatible with large states or with other circumstances of the modern world.¹⁰

Of course, there were certain places within the modern world in which the ancient conception of citizenship supposedly still applied. Perhaps the most familiar for eighteenth-century French writers was Geneva. In his article on Geneva in the *Encyclopédie*, Jean d'Alembert distinguished four classes of inhabitants: the citizens, the bourgeois, the residents and the natives. Only the first two groups enjoyed any kind of political rights and only the former were truly citizens according to Aristotle's definition of the term:

the *citizens* who are the sons of bourgeois and were born in the city; they alone can become magistrates. The *bourgeois* who are the sons of bourgeois or of citizens but were born in a foreign country, or who are foreigners to whom the magistracy has granted the rights of bourgeois, which it has the power to do; these can be members of the General

Council and even of the *Grand Conseil*, called the “Council of the Two Hundred”.¹¹

Geneva also provided a model for Jean-Jacques Rousseau’s account of citizenship. In *Du Contrat social* he emphasised both its city-state focus and its political component. For Rousseau the crucial role of a citizen was participation in the making of the laws, and according to him it was the assembled citizen body that was responsible for enacting legislation:

The Sovereign, having no other force than the legislative power, acts only by means of the laws, and the laws being nothing but authentic acts of the general will, the Sovereign can act only when the people is assembled. The people assembled, it will be said! What a chimera! It is a chimera today, but it was not so two thousand years ago: Have men changed in nature?¹²

While this requirement that all citizens hold sovereign power and assemble regularly in order to exercise that power may seem unrealistically demanding from a modern perspective, Gabriella Silvesterini has noted that even this conception of citizenship marked a considerable retreat from Aristotle's precise understanding. Rousseau did not require citizens to hold public office (unless they were living in a democracy). Rather they just had to attend the

assembly and vote on laws proposed by the legislator or government. Enacting legislation had replaced Aristotle's richer conception of holding public office, hence Rousseau's claim that all legitimate states were republican, regardless of the form of government.¹³

Of course, the term 'citoyen' also continued to be used in eighteenth-century France to refer to the inhabitants of cities that were not city-states – such as those within France itself. Thus, Boyer in his dictionary also used 'citizen' as a synonym for 'Bourgeois', which he defined as 'habitant d'une Ville', and alongside '*Les Citoyens de l'ancienne Rome*' he also spoke of '*Les Citoyens de Londres*'.¹⁴ Though this appellation probably did imply some kind of involvement in the political, economic or cultural life of the city, it clearly also represented a dilution of the original ancient meaning of the term.

Bodinian Citizenship

An alternative to the ancient conception of citizenship was available from the end of the sixteenth century, courtesy of Jean Bodin.¹⁵ In his *Six livres de la république* of 1576, Bodin had overturned both the city-focus and the political component of citizenship that were central to the ancient understanding. One of his aims in redefining the term had been precisely to shift the loyalties of the inhabitants of France from the local to the national.¹⁶ Bodin was able to do this because he drained citizenship of its political content. It is true that on

Bodin's account the term 'citoyen' was used to describe the head of the household when he left his house and domestic affairs to enter the city and to engage in public affairs.¹⁷ However, the nature of that engagement was limited. Bodin explicitly challenged Aristotle's definition of a citizen as 'one who is a magistrate or who exercises a deliberative voice in the assemblies of the people, whether in matters of judgement or affairs of the state'.¹⁸ Instead he defined a citizen as 'a free subject under the sovereignty of another' and insisted that citizenship involved the mutual obligation between subject and sovereign – the obedience of the one in exchange for the protection of the other: 'every citizen is subject in the sense that a small part of his liberty is diminished by the majesty of him to whom he owes obedience, but all subjects are not citizens.'¹⁹

According to Rousseau, this apolitical, Bodinian conception of citizenship, which had been dominant during the seventeenth century, remained all too prevalent in eighteenth-century France. In *Du Contrat social* he reasserted the ancient political conception of the term against the Bodinian alternative:

The true sense of this word [City] is almost entirely effaced among the moderns; most take a city for a City, and a bourgeois for a Citizen. They do not know that houses make the city but Citizens make the City. This same error once cost the Carthaginians dear. I have not read

that the subjects of any Prince were ever given the title *Cives*, not even the Macedonians in ancient times nor, in our days, the English, although they are closer to freedom than all the others. Only the French assume the name *Citizen* casually, because they have no genuine idea of it, as can be seen in their Dictionaries; otherwise they would be committing the crime of Lese-Majesté in usurping it: for them this name expresses a virtue and not a right. When Bodin wanted to speak of our Citizens and Bourgeois, he committed a bad blunder in taking the one for the other. M. d'Alembert made no mistake about it, and in his article *Geneva* he correctly distinguished the four orders of men (even five, if simple foreigners are included) there are in our city, and only two of which make up the Republic. No other French author has, to my knowledge, understood the true meaning of the word *Citizen*.²⁰

Yet, even after the publication of *Du Contrat social*, the Bodinian concept remained popular – especially among those involved in governing France. As Louis XV made clear in 1766, in his response to attempts by the *Parlements* to exercise a role in legislation as representatives of the nation, sovereign power resided ultimately in him:

It is in my person alone that sovereign power resides ... it is from me alone that my courts hold their existence and their authority ... public

order in its entirety emanates from me, and my people forms one with me, and the rights and interests of the nation, of which people are daring to make a body separate from the monarch, are necessarily united with mine and repose only in my hands.²¹

In the course of the next decade or so, the prevailing attitude would be completely transformed. That transformation was the result of the development of a third conception of citizenship.

Rights-Based Citizenship

As the label suggests, according to the rights-based conception of citizenship citizens were defined as the possessors of certain rights. This conception shared something in common with the Bodinian version in that it too made it possible to conceive of citizens of a nation rather than just a city-state, and it did not necessarily require citizens to engage in political participation. However, the way in which this concept developed in the eighteenth century often did involve a political component, and it can thus also be viewed as an attempt to make the ancient conception of citizenship workable in the large states of the modern world.

Diderot enunciated the rights-based conception of citizenship in his *Encyclopédie* article 'Citoyen', in a way that brought out some of the ambiguities

inherent in the concept. Though he made reference to citizenship in the ancient world – and even cited Aristotle’s definition – Diderot also accepted that the word had a contemporary meaning, referring to being a member of a nation and all this entailed, and he did not question the idea of citizenship on a national scale. His initial definition of the term centred on the idea of the possession of certain rights and freedoms:

A citizen is someone who is a member of a free society with many families, who shares in the rights of this society, *and* who benefits from these freedoms ... Someone who has been divested of these rights and freedoms has stopped being a citizen. One accords the title to women, young children, and servants, only as family members of a citizen, ..., but they are not truly *citizens*.²²

However, Diderot made no explicit mention of political rights and he went on to insist that Aristotle’s strict political definition of the term was only applicable in pure democracies.

This idea that citizenship could involve the possession of civil, but not political rights, survived into the Revolution, and was even enacted by the National Assembly. According to a law passed in December 1789, men who were either under the age of 25 or who paid less than 3 *livres* a year in tax were to

be labelled passive citizens. While they were to be entitled to the civil rights that had been set out in the *Déclaration des droits de l'homme et du citoyen* they were not entitled to the political rights of voting in elections, nor were they eligible for political office. These passive citizens were distinguished from active citizens who did enjoy political rights. The origins of the revolutionary notion of active citizenship lay in the development, during the course of the eighteenth century, of a version of rights-based citizenship that emphasised political participation.

Reviving the Political Dimension of Citizenship

From the early seventeenth century, France was an absolute monarchy, the Estates-General (the traditional means of national collective deliberation) was not called at all between 1614 and 1788, and most of those outside the French court had no political role. However, as recent authors have noted neither political deliberation and collective decision making, nor elections and voting, were completely unknown in France during this period, at least for particular groups in certain areas.²³ In addition, during the course of the century, various political thinkers explored ideas and put forward practical proposals for extending the right to political participation much more widely.

Arguments for increasing political participation were most commonly associated with appeals back to an ancient French constitution and with calls for

the resurrection of the Estates-General.²⁴ Though originally developed by sixteenth-century Huguenot resistance theorists such as François Hotman, the eighteenth-century version of ancient constitutionalism owed much to Henri de Boulainvilliers, and other advocates of the *thèse nobiliaire*, who wrote in the final years and immediate aftermath of Louis XIV's reign.

Boulainvilliers sought to demonstrate that the Franks, who had conquered Gaul at the time of the collapse of the Roman Empire, had been a free and equal warrior people who had chosen their kings and shared in rule with them.²⁵ The system had been corrupted over time, but was restored under Charlemagne. Through this historical analysis, Boulainvilliers sought to demonstrate that absolutism had been a later innovation within the French polity. On this basis he argued that the nobility ought to reclaim their traditional role within government and he argued for the restoration of the assemblies of the nation.

Though it was viewed as radical and dangerous at the time, Boulainvilliers's theory remained wedded to the aristocratic and corporatist conception of French society that prevailed in the late medieval and early modern periods. His 'citizens' were also nobles, and they were entitled to participate in politics not on the grounds of natural rights, but rather because of the privileges attached to their status. It was only in the mid-eighteenth century, in the works

of writers like Gabriel Bonnot de Mably and Guillaume-Joseph Saige, that appeals to an ancient constitution, and calls for the revival of the Estates-General, were yoked to a notion of natural rights and applied to the nation as a whole.

Historical examples, and the theoretical arguments of Boulainvilliers, were not the only models on which those wanting to revive the political component of French citizenship could draw. There also existed a relevant eighteenth-century example. According to contemporary accounts, the form of government that had been imposed by the Franks in Gaul was very similar to that which had been established by the Saxons across the Channel in England. However, whereas in France it had been undermined by absolutism, in England it had evolved gradually into the parliamentary system. Though the English model had itself been threatened by absolutism in the seventeenth century, new life had been breathed into it by the Glorious Revolution of 1688-89.²⁶ As Montesquieu put it in *De L'Esprit des lois*: 'If one wants to read the admirable work by Tacitus, *On the Mores of the Germans*, one will see that the English have taken their idea of political government from the Germans. This fine system was found in the forests.'²⁷

Mably was well aware of the British model and drew on it directly in his significantly named *Des Droits et des devoirs du citoyen*.²⁸ This work takes the

form of a series of letters recalling conversations between their French author and an Englishman called Milord Stanhope, who is the embodiment of an eighteenth-century British commonwealthman.²⁹ In the first letter, the Frenchman notes that his ancestors had once enjoyed the same liberties as the English, but: 'Our forefathers sold their liberty, gave it away, or allowed it to be destroyed.'³⁰ As the work goes on Stanhope gradually convinces his companion that the French could imitate and even surpass the English by reviving the Estates-General and reclaiming their political rights.³¹

On one level, Mably's notion of citizenship was very broad. As Stanhope explained: 'Every man, with the exception of those who are insane or criminal, must be a citizen, when he lives among men who have laws.'³² The implication was that in the absence of a formal political role, the rights and duties of the citizen consisted in watching over the government and taking action if it appeared to be operating contrary to the public interest. However, Mably also argued that part of France's problem was the lack of formal political engagement by the citizen body. In the course of the work he thus elaborated a richer sense of the political component of citizenship.

Mably's ideal form of government was a communal republic similar to that of ancient Sparta. He accepted, however, that such a system was not workable in a large, modern, nation such as Britain or France. Consequently, his aim in

Des Droits et des devoirs du citoyen was to sketch out the best system of government that could be accommodated to those circumstances – and to describe the various stages of the ‘révolution ménagée’ by which the French might attain it.³³ He argued that the *Paris Parlement* ought to use the opportunity presented by one of its, now common, conflicts with the court to spark the reform process by calling for the convocation of the Estates-General.

Mably believed that sovereign power originated with the people and his reform proposals were aimed at returning it to them.³⁴ This, he claimed, would ensure that the laws were wise and that they operated in the public interest.³⁵ He thus counselled that once the Estates-General had been revived it ought to seize legislative power for itself.³⁶ While, unlike Rousseau, Mably had no problem with the use of representatives to exercise legislative power on behalf of the people, he was concerned that in practice the executive might override the decisions of the legislature.³⁷ The solution to this problem was to hold regular meetings of both the national and provincial assemblies:

These general assemblies should meet at least once every three years, but [in addition] each province should have its own Estates that should meet annually and, if possible, at different times, so that the executive power is constantly under the surveillance of a powerful body that is ready, if need be, to sound the alarm.³⁸

Mably wrote *Des Droits et des devoirs du citoyen* before the publication of Rousseau's *Du Contrat social* in 1762. Just over a decade later, Saige produced his *Catéchisme du citoyen* in which he effectively amalgamated the political theory of Rousseau with the historical arguments found in Mably's work.³⁹ Written in the aftermath of Chancellor Maupeou's coup, which was widely seen as symbolising the despotic nature of Louis XV's government, Saige's work took the form of a political catechism on 'le Droit Public Français'. Saige adopted Rousseau's distinction between sovereignty and government and insisted that the former must reside in the body of the people.⁴⁰ By contrast with Rousseau in *Du Contrat social*, however, Saige insisted that popular sovereignty was workable in a large, nation state.⁴¹

In fact, Rousseau had acknowledged this himself just a couple of years earlier. In 1772 he published his *Considérations sur le gouvernement de Pologne*, in which he applied the theory set out in *Du Contrat social* to that nation.⁴² In this work, he explained how measures such as a federal structure and a system of binding mandates might be used to render popular sovereignty a reality even in a large, modern state such as Poland.

This was precisely the solution that Saige adopted for France. In Chapter Nine of *Catéchisme du citoyen*, he described the commons or Third Estate as

being divided into a number of communes or little republics.⁴³ The citizens of each commune would gather together to legislate for their own community, to choose magistrates to exercise executive power within that community, and to elect deputies to represent them in the Estates-General. Moreover, like Rousseau, Saige also insisted that those deputies should be bound by the views of their constituents.⁴⁴

Just like Mably, Saige supported his claims not only with theoretical reasoning, but also with evidence drawn from French history: 'we learn [from Tacitus] that among the [Frankish] nations, legislative power lay in the body of the citizens, that their leaders only had the right to propose laws in the public assemblies and to execute those that had already been made'.⁴⁵ This system, Saige acknowledged, had been corrupted over time as the Frankish kings and nobles had usurped the rights of the commons, but Charlemagne had restored the assemblies to their original form.⁴⁶ It was at this point that the extent of the population and territory had necessitated the introduction of representation:

It was difficult, if not impossible, for all to gather together in the general council. Consequently, he established that each county or district of the monarchy would elect a certain number of deputies who would represent it and vote for it in the assembly of the *Champ-de-Mai*.⁴⁷

Later on the Estates-General had taken over the role of these assemblies, and it was this body that Saige wanted to see revived in his own time.

While, unlike Mably, Saige did not explicitly draw the English parallel in his work, there is evidence to suggest that he may have recognised it. Keith Baker claims that his use of the term 'commons' as a synonym for the Third Estate implied a parallel with the English House of Commons.⁴⁸ More explicit evidence exists in the correspondence of the historian Catharine Macaulay. In 1785, Saige proposed Macaulay as a corresponding member of the Musée de Bordeaux, a local philosophical society to which he belonged.⁴⁹ In a letter that he wrote to her on 14 September of that year, to accompany her certificate of membership, he noted that the citizens of England were better off than those in France, in that they enjoyed both civil liberty and a larger portion of political liberty.⁵⁰ Along with his letter, Saige also sent Macaulay a copy of the second edition of his *Catéchisme du citoyen*, which he was about to publish.⁵¹

It was not only advocates of the idea of the ancient constitution who were looking to extend political participation in France during the second half of the eighteenth century. Several figures associated with the physiocrats wrote treatises that proposed ways of expanding political participation while retaining the power and prestige of the monarchy.⁵² These included the Marquis de

Mirabeau's *Mémoire concernant l'utilité des États provinciaux* (1750) and Anne-Robert-Jacques Turgot's *Mémoire sur les municipalités*. The latter, which was written by Turgot's secretary Pierre-Samuel Dupont de Nemours, called for the establishment of a hierarchy of new consultative assemblies, which would furnish the state with the crucial information it needed in order to govern effectively and would link representation directly to taxation as a means of simultaneously opening up political discussion and providing a solution to France's growing financial crisis. Turgot was also particularly concerned to use this new system to provide a form of political education - or citizenship training - for France's inhabitants:

The primary means of connection within nations is mores; the foundation of mores is instruction from childhood on all the duties of man in society. It is surprising that this science is so little developed. There are methods and institutions to educate mathematicians, doctors, painters, but none for educating citizens! We could have such methods and institutions, if national instruction was directed by one of your councils, offering political views according to uniform principles ... and the study of the duties of the citizen, as a member of a family and of the state, would be the foundation of all other studies, which would be prioritised according to their usefulness to society.⁵³

Unfortunately, Turgot was dismissed from office before he was able to submit his memorandum to the King, but his successors Jacques Necker and Charles Alexandre de Calonne also looked to provincial assemblies as a means of solving the nation's problems, and put forward similar proposals of their own, and some practical reforms were implemented in the period between 1778 and 1787.⁵⁴

Thus, the late 1780s saw the appearance of a whole host of proposals for the extension of political participation in France, ranging from Calonne's edict on local government reform (1787) to Mably's *Des Droits et des devoirs du citoyen* which, though written much earlier, was only published for the first time in 1789. It is, therefore, not surprising that the ideas concerning citizenship developed in these works found echoes during the Revolution.

Citizenship and the French Revolution

It was no coincidence that one of the first acts of the newly formed National Assembly was to draw up and proclaim the *Déclaration des droits de l'homme et du citoyen*.⁵⁵ While the outbreak of the Revolution followed with uncanny accuracy the proposals for a 'révolution ménagée' outlined by Mably, the way in which citizenship was conceived by leading revolutionaries was more in line with Saige in its amalgamation of Rousseauian and traditional French practices. However, some revolutionaries took these ideas a step further by devel-

oping the notion that each of the deputies of the Third Estate represented the nation as a whole, not just their own constituents.

In his pamphlet *Vues sur les moyens d'exécution dont les représentans de la France pourront disposer en 1789* Emmanuel-Joseph Sieyès began by defining citizenship in distinctly Rousseauian terms:

In general, any citizen deprived of the right to consult his own interests, to deliberate, and to impose laws upon himself is rightly taken to be a serf. It follows that the right to consult its own interests, to deliberate, and to impose laws upon itself must necessarily belong to the nation.⁵⁶

Sieyès was concerned with a nation rather than a city-state and was well aware of the problems involved in instituting this notion of citizenship in a large state: 'As the number of citizens increases it becomes difficult or impossible for them to assemble to hear each individual will and then reconcile their differences to form a general will.'⁵⁷ To solve the problem Sieyès, like Saige, began by proposing that the nation be divided into smaller units. As he explained: 'Since the totality of citizens either cannot, or will not, assemble together in a single place, the totality has to be divided into districts and each

district has, by agreement, to nominate a proportional number of deputies.⁵⁸

Unlike Saige, however, Sieyès firmly rejected the idea of binding mandates:

it soon becomes clear that delegating a number of simple vote carriers is essentially vicious, because those selected as deputies, obliged to adhere scrupulously to the commission of those who mandated them, often find themselves unable to agree, making it impossible to extract a common will from the totality of votes....

All this leads the community to give its mandatories more confidence. It gives them a proxy enabling them to meet, to deliberate, to reconcile their views, and to come to a common will, so that it now has genuine representatives instead of simple vote carriers.⁵⁹

Thus Sieyès ended up dismissing Rousseau's hostility to representation, embracing it as the means of making the political aspect of citizenship workable in a large nation such as France.

As a leading revolutionary, Sieyès was in a position to turn his ideas into reality. Soon after he wrote *Vues sur les moyens* the elections to the Estates-General were held and France's inhabitants were given the opportunity to engage in political participation for the first time in a hundred and seventy-five years.

However, despite the significance of the revival of the Estates-General it still embodied the old-fashioned corporatist conception of the French realm and the idea of deputies as delegates rather than representatives. The pamphlets that Sieyès published in early 1789 did much to counter these views. Both they and their author played a role in bringing about the establishment of the National Assembly on 17 June 1789, which transformed the practice of citizenship in France into something that was both national and political.⁶⁰

Not surprisingly, the implementation of a rights-based conception of citizenship in France raised a new set of problems. In particular, there was the question of who was to be included in, and excluded from, citizenship – and on what grounds. At the same time, the emphasis on the political component of citizenship raised the practical problem of how political participation could be rendered both meaningful and workable in the context of a large nation state.

Citizens and Non-Citizens

Citizenship had always been an exclusive category. Citizens were defined in relation to those who were not citizens and even in the ancient world only a small minority of the inhabitants of a city-state were granted citizen status. This was related to the view of citizenship as a privilege. Aristotle, for example, had spoken in terms of the 'special characteristic' that distinguished citi-

zens from other inhabitants of the state. In presenting citizenship as a right, rather than a privilege, the revolutionaries brought into question the grounds on which certain inhabitants could be excluded from it.

The elections to the Estates-General had involved a relatively wide franchise, by the standards of the day. Attendance at the Primary Assemblies for the election of deputies of the Third Estate was restricted to men over the age of 25, who were French (or had been naturalised) who lived locally and were listed in the tax rolls.⁶¹ The property qualification was upped slightly in December 1789 when the distinction between active and passive citizens was introduced and when further restrictions (including the *marc d'argent* property qualification) were placed on who could become a deputy in the National Assembly. This limited the enfranchised population to a figure of 4,300,000 out of a total population of 25-26,000,000.⁶² Suffrage was exercised in an indirect manner, with the primary assemblies choosing representatives for the electoral assembly of the district, who would then choose the representatives of the Legislative Assembly. Under the Constitution of 1791 the property qualification was increased further, but the *marc d'argent* qualification for deputies was dropped.

One of the few deputies to express unease at the proposed divisions within the citizen body was Maximilien Robespierre. In a speech given to the Na-

tional Assembly on 22 October 1789, he protested the new 'conditions of eligibility' that were being proposed. Citing the *Déclaration des droits* and its assertion of an end to privileges, distinctions and exceptions, he insisted that: 'All citizens, whoever they are, have the right to aspire to all levels of office-holding.' He went on:

The Constitution establishes that sovereignty resides in the people, in all the individuals of the people. Each individual therefore has the right to participate in making the law which governs him and in the administration of the public good which is his own. If not, it is not true that all men are equal in rights, that every man is a citizen.⁶³

Though Robespierre was ignored at the time, his view eventually prevailed. The distinction between active and passive citizens was abolished on 11 August 1792. The elections to the National Convention that followed were conducted on the basis of the most extensive franchise ever. To vote in those elections one had to be male, over the age of 21, resident in France for at least a year, in work or living off a private income and not a servant. The franchise adopted in the Constitution of 1793 was similarly extensive. Had its implementation not been interrupted by the adoption of 'Revolutionary Government' it would have imposed universal manhood suffrage for all over the age of 21 who had been born and lived in France, as well as to foreigners who ful-

filled certain conditions. Moreover, according to this Constitution not only did all citizens have the right to attend their local primary assembly, but they were also eligible for higher office. Even so, the notion of citizenship enshrined in the final version of the Constitution of 1793 did not go as far as some had wanted. Condorcet, in the draft he produced in February 1793, proposed that citizens should elect deputies and administrators directly, and that all constitutional laws should be subject to a popular vote.⁶⁴

The emphasis on rights-based citizenship not only prompted a questioning of the property qualification, but also led to challenges on behalf of other excluded groups. Protestants were granted full citizenship on 24 December 1789 and Sephardic Jews followed on 28 January 1790, though other Jewish groups had to wait until September 1791.⁶⁵

The question of female citizenship was also raised. The *Journal de la Société de 1789* for July 1790 included an article by the marquis de Condorcet entitled 'Sur l'Admission des femmes au droit de cité'. Condorcet insisted that the revolutionaries had violated their own principles in establishing the common rights of men, without also according those rights to women.⁶⁶ In order to justify their exclusion, Condorcet insisted, it was necessary to prove either that the rights of women were not the same as those of men, or that women were not capable of exercising them. He went on to argue that both these premises

were false. The rights of men, he insisted, were based simply on their status as 'rational and sentient beings, susceptible of acquiring ideas of morality, and of thinking about those ideas' and, since women possessed exactly the same qualities, they therefore had the same rights.⁶⁷ The argument that women were incapable of exercising the rights of citizenship was also difficult to sustain unless a large proportion of the male population was also excluded from citizenship. Condorcet then refuted in turn each of the common arguments against assigning women political rights.

A year after Condorcet's article had appeared, Olympe de Gouges also put the case for female enfranchisement. Her *Les Droits de la femme* echoed the format and language of the *Déclaration* of 1789, but corrected it by adding women to the picture.⁶⁸ In line with the official *Déclaration* she declared women to be born free and to be equal in rights to men. She then went on to accord them not just the civil, but also the political rights granted to men in the Declaration (Article 6). Elsewhere she highlighted the huge inequalities in the treatment of women: they could mount the scaffold, but not the rostrum (Article 10); they were expected to pay equal taxes, but did not have a right to hold political office (Article 13). Moreover, she added to Article 16 by stating: 'the constitution is null if the majority of individuals who compose the nation have not cooperated in drafting it'.⁶⁹

Both De Gouges and Condorcet also expressed concern about another group that was initially excluded from French citizenship. In her *Déclaration*, De Gouges drew a parallel between the treatment of women and that of slaves in the French colonies, and both she and Condorcet campaigned for the abolition of slavery.⁷⁰ Not surprisingly, the emphasis placed by the revolutionaries on the rights of man prompted a debate over this issue and led various colonial groups, including slaves, to voice their own claims for citizenship rights.⁷¹ A number of key figures, including Condorcet and his friend Jacques-Pierre Brissot, were already concerned about the incompatibility between slavery and Enlightenment values before the outbreak of the Revolution. The *Société des amis des noirs* was founded by Brissot in 1788 and slavery also figured in a number of the *cahiers* sent to the Estates-General, perhaps prompted by an essay by Condorcet on the subject that was sent out to electoral districts.⁷² However, it was the arrival in Paris of a delegation of seventeen colonists from Saint-Domingue demanding admission to the Constituent Assembly that brought the issue of slavery (and the complex question of the rights of Saint-Domingue's various social groups) to the forefront of revolutionary concerns.⁷³ When nine of the delegates participated in the Tennis Court Oath, their right to representation was accepted in principle, but disagreement ensued over how many deputies the colony was entitled to send and this raised the controversial issue of whether the delegates represented just the white inhabitants of the island or the blacks as well.⁷⁴

The issue became more complicated on 22 October, when a delegation of free men of colour arrived at the Constituent Assembly. Inspired by the debates taking place, they insisted that they too should be represented, a demand that was endorsed by the *Amis des noirs*. This group raised a difficult issue for the Assembly, since many of them owned property and so could not be excluded from citizenship on the usual grounds of 'dependence'.⁷⁵ Legislation was eventually drawn up in March 1790, but its vagueness on the crucial question of whether free men of colour were to be included among the ranks of active citizens prompted an open debate on the question. By the autumn, the Constituent Assembly was seeking to avoid the issue, decreeing on 12 October that it was up to the colonial assemblies to request clear legislation on the status of persons within the colonies. Vacillation continued throughout 1791, but on 4 April 1792, under the new Girondin Ministry, the Legislative Assembly declared equality of political rights for all men of colour and free blacks.⁷⁶

The slave revolt in Saint-Domingue brought further concessions. On 21 June 1793 Léger Félicité Sonthonax promised the insurgent slaves their liberty and citizenship if they would fight for the republican army, and on 29 August he declared the end of slavery in the northern province. Following this on 23 September elections were held in which white, mixed race and black deputies

were chosen.⁷⁷ The appearance of these deputies at the National Convention prompted the abolition of slavery in all French colonies on 4 February 1794. Significantly, slaves were not simply granted their liberty, but were also immediately to enjoy all the rights associated with French citizenship.⁷⁸

One might imagine that the rise of colonialism may have contributed towards the enfranchisement of the lower orders in France by creating a new underclass – ensuring that the crucial distinction within society was no longer between different orders, but between citizens and slaves.⁷⁹ Plausible as this may seem, it does not fit the French case well since for the most part those who were in favour of extending political participation were also advocates of the abolition of slavery. However, there is evidence of this kind of logic operating in Saint-Domingue itself. In the elections held in February 1790 all blacks, including those who owned property, were excluded from the franchise. However, votes were granted to all whites who had lived in the colony for at least a year, a far more extensive suffrage than that enjoyed in France at the time. Laurent Dubois has suggestively described this as ‘democratization based on racism’.⁸⁰

Political Participation in a Large Modern State

The other problem generated by the adoption of the rights-based conception of citizenship was how political participation could be made both meaningful

and workable in the context of a large nation state. Not all revolutionaries were as comfortable as Sieyès about embracing representative government. For example, members of the Cordeliers Club recognised that adopting the representative system involved diluting the political content of citizenship to the extent that it no longer fulfilled what was, for them, its essential function (of allowing the citizen body direct involvement in the legislative process).⁸¹ Thus, while acknowledging that some element of representation was essential in a large state such as France, the Cordeliers sought means by which the actions and decisions of the representatives (or delegates as they preferred to call them) could be placed under the control of the people. Following Rousseau, they called for binding mandates, but in addition they also advocated the popular ratification of laws.⁸²

As early as 1790, one of the leading members of the Club, Pierre-François Robert, put forward the idea of the popular ratification of laws in his pamphlet *Républicanisme adapté à la France*. Responding to the objection that the French nation was too large for such a system to work, Robert argued that with the division of France into departments, districts, cantons, municipalities and sections, it would be no more difficult to assemble people for the purpose of sanctioning laws than it was to assemble them to name their representatives.⁸³

The most detailed version of this proposal was René Girardin's *Discours sur la nécessité de la ratification de la loi, par la volonté générale*, which was delivered to the Club on 7 June 1791. Girardin presented the popular ratification of laws as necessary to the fulfilment of the *Déclaration des droits*:

In order for the law really to be the practical expression [of the general will], it is necessary that all the citizens can take part in its formation, following their inalienable right and solemnly proclaimed by article 6 of the declaration of the rights of man and of the citizen.

This precious right is, both the essence, and the very existence of sovereignty; the nation cannot therefore lose it, nor delegate it, without relinquishing its sovereignty too.

The necessity of the ratification of the laws by the general will is, therefore, such a crucial point that it is precisely, gentlemen ... that it is absolutely the *ça ira* of the *declaration of the rights of man and of the citizen*.⁸⁴

In the second half of his speech Girardin demonstrated the means by which the popular ratification of laws might be rendered workable in France. The Cordeliers were so impressed that they called for the printing and distribution of the speech, and the published version includes their endorsement of Gi-

rardin's proposal.⁸⁵ Of course, as with the idea of creating female citizens, this proposal was never considered by the National Assembly. Nonetheless, it is a measure of how far France had come since the reign of Louis XIV that such proposals were being publicly discussed in 1791.

The Post-Jacobin Reaction

The transformation of theoretical understandings of French citizenship had effectively been enacted by the mid-1790s, but subsequently the practice of citizenship narrowed again. The Constitution of 1795 constituted a retrograde step, with the reintroduction of a property qualification. The drift continued under Napoleon, with citizenship remaining relatively extensive in theory but becoming much more limited in practice. The Constitution of 1800 introduced a system of adult male suffrage, with just a one-year residence qualification, and the Civil Code of 1804 clearly set out the rights and duties of citizens on a whole host of matters, and embodied both equality before the law and careers open to talent. However, in practice, the extent of popular participation was compromised by a system of indirect elections and electoral lists, and fresh elections were not held for over a year.⁸⁶ Even the seemingly democratic plebiscite used to ratify the new Constitution was fundamentally flawed.⁸⁷ In the judicial sphere, too, Bonaparte imposed his centralising and top-down approach to governance – removing almost completely the practice of electing local officials.⁸⁸ Moreover in the case of women, the effect of the Civil Code

was to reduce their legal rights and increase patriarchal power over them – particularly with regard to divorce.⁸⁹ Bonaparte was also responsible for the reintroduction of slavery in the French colonies with his decree of 20 March 1803.

Conclusion

It is clear that France during the early-modern period witnessed the development of, and competition between, several distinct conceptions of citizenship. The ancient concept, which had direct political participation at its heart, continued to be an important reference point. However, its political element was diminished in various ways and the much more restrictive Bodinian conception was dominant for much of the seventeenth century. In the eighteenth century, as a result of appeals to the older notion and to the idea of France's 'ancient constitution', the modern rights-based concept of citizenship emerged. It eventually prevailed and remained dominant into the nineteenth century, though its application fluctuated, and it would be almost another hundred years before female suffrage would be established.⁹⁰

The French Revolution may indeed have been the first experiment with democracy, as François Furet has argued,⁹¹ as well as being the first time that something resembling our modern notion of citizenship was put into practice, but it seems clear that those experiments and practices (together with the

problems they engendered) were grounded in a new understanding of citizenship that had developed gradually over the course of the previous century. Nor were the new ideas and practices universally accepted or permanently adopted during the 1790s. The Revolution certainly marked an important stage in their development, but our modern concepts of citizenship and democracy went through a long and complex process of gestation.

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1

This is reflected, for example, in the fact that Pierre Rosanvallon's influential book (Rosanvallon, *Le Sacre du citoyen*) begins in 1789.

2

Of course, France was not the only nation to experience changing conceptions of citizenship during this period. The Dutch, English and American examples, in particular, are also important. Yet, it was perhaps in France that the transformation was most dramatic, and the implications of it most keenly felt and most fiercely debated.

3

Richard Bellamy, following J. G. A. Pocock, distinguishes between two distinct versions of ancient citizenship – the Greek and the Imperial. It is the former that I am focusing on here, since it was this view of ancient citizenship that was prevalent in eighteenth-century France. Bellamy, *Citizenship*, 29.

4

Aristotle, *The Politics*, Book III, Part I.

5

Wells, *Law and Citizenship in Early Modern France*.

6

Boyer, *Dictionnaire royal, François et Anglois*, II, 114.

7

Diderot, 'Citizen', in *The Encyclopedia*.

8

Montesquieu, *The Spirit of the Laws*, 10.

9

Montesquieu, *The Spirit of the Laws*, 10-15.

10

Montesquieu, *The Spirit of the Laws*, 124 and 37.

11

D'Alembert, 'Geneva', in *The Encyclopedia*.

12

Rousseau, *The Social Contract*, 110. For a rich and interesting reinterpretation of Rousseau's views on democracy see Silvestrini, 'Rousseau's Theory of Democracy', 55-71.

13

Silvestrini, 'Rousseau's Theory of Democracy', 66-7.

14

It is interesting to note that Boyer's dictionary did not include an entry for 'Citoyen', though he did have an English entry 'Citizen' the French equivalent was 'Bourgeois'.

15

On the pivotal role Bodin played in the transformation of the concept of democracy see Silvestrini, 'Rousseau's Theory of Democracy', 56-7.

16

Preuss, 'The ambiguous meaning of citizenship', 7.

17

Bodin, *Les Six Livres de la République*, I, vi, 49.

18

Bodin, *Les Six Livres de la République*, I, vi, 56.

19

Bodin, *Les Six Livres de la République*, I, vi, 49-51. As Silvestrini argues, Bodin even diluted political participation within the democratic form, enacting a shift from democracy as participation in political offices (as in Aristotle) to democracy as participation in deliberative assemblies (which of course became the dominant understanding in modern conceptions).

20

Rousseau, *Social Contract*, 51.

21

As quoted in Jones, *The Great Nation*, 263.

22

Diderot, 'Citoyen', in *The Encyclopedia*.

23

On political deliberation and collective decision making see: Chaline, 'Prologue: Le Roi, les Parlements et la Nation', 4-36. On the history of voting in France, see Tanchoux, *Les Procédures Électorales en France*, 10.

24

On the uses made of the ancient constitution see Wright, 'The Idea of a Republican Constitution', 289-306.

25

H. de Boulainvilliers, *Histoire de l'Ancien Gouvernement de la France*. On Boulainvilliers see Ellis, *Boulainvilliers and the French Monarchy*.

26

This was the view of the Real Whigs. See, for example, the 1721 edition of Robert Molesworth's English translation of Hotman's *Franco-gallia*. The same view was popularised in France through the works of viscount Bolingbroke.

27

Montesquieu, *Spirit of the Laws*, 165-6.

28

For more detailed accounts of Mably's work see Baker, *Inventing the French Revolution*, 86-106; and Wright, *A Classical Republican in Eighteenth-Century France*.

29

Robbins, *The Eighteenth-Century Commonwealthman*. On French usage of British commonwealth ideas, including that of Mably, see: Hammersley, *The English Republican Tradition and Eighteenth-Century France*.

30

Mably, *Des Droits et des Devoirs du Citoyen*, 7. See also 122.

31

Mably, *Des Droits et des Devoirs du Citoyen*, 151-2 and 162.

32

Mably, *Des Droits et des Devoirs du Citoyen*, 80.

33

Mably's account of the means by which this 'révolution ménagée' would occur is set out at Mably, *Des Droits et des Devoirs du Citoyen*, 152-178.

34

Mably, *Des Droits et des Devoirs du Citoyen*, 76.

35

Mably, *Des Droits et des Devoirs du Citoyen*, 102-3.

36

Mably, *Des Droits et des Devoirs du Citoyen*, 188.

37

Mably, *Des Droits et des Devoirs du Citoyen*, 190-1.

38

Mably, *Des Droits et des Devoirs du Citoyen*, 192.

39

On Saige see Baker, *Inventing the French Revolution*, 109-127 and 128-152.

40

Saige, *Catéchisme du Citoyen*, 9.

41

Saige, *Catéchisme du Citoyen*, 16.

42

Rousseau, *The Social Contract*, 177-260.

43

Saige, *Catéchisme du citoyen*, 105.

44

Saige, *Catéchisme du Citoyen*, 114.

45

Saige, *Catéchisme du Citoyen*, 35-6.

46

Saige, *Catéchisme du Citoyen*, 39-40.

47

Saige, *Catéchisme du Citoyen*, 112.

48

Baker, *Inventing the French Revolution*, 148.

49

The Gilder Lehrman Collection on deposit at the Pierpont Morgan Library, The Catharine Macaulay Graham Papers (1763-1830), GLC 1794.28 L'Abbé Sicard, 14 September 1785.

50

GLC 1794.29 Saige to Macaulay, 14 September 1785.

51

That second edition eventually appeared in 1787 (the first had been published in 1775) and went through several editions during 1788.

52

This idea was also reflected in the work of the Marquis d'Argenson. On his political proposals see: Henry, 'Democratic Monarchy'.

53

Mémoire de M. Turgot, 14.

54

Tanchoux, *Les Procédures Électorales en France*, 11-12 and 19.

55

For discussion of some of the debates surrounding citizenship during the Revolution see Waldinger, Dawson and Woloch (eds), *The French Revolution and the Meaning of Citizenship*. On the Declaration of Rights itself see Van Kley, *The French Idea of Freedom* and Baker, *Inventing the French Revolution*, 252-305.

56

Sieyès, Political Writings, 9.

57

Sieyès, Political Writings, 11.

58

Sieyès, Political Writings, 12-13.

59

Sieyès, Political Writings, 11-12.

60

Of course, as Michael Fitzsimmons notes, subsequent events also played a part in this transformation – not least the renunciation of privileges during the night of 4 August 1789 and the official abolition of orders within the National Assembly on 15 October 1789. Waldinger, Dawson and Woloch (eds), *The French Revolution and the Meaning of Citizenship*, 29-41.

61

Colin Jones has suggested that the effect of this property qualification was minimal. Jones, *The Longman Companion to the French Revolution*, 63.

62

Garrigues, *Histoire du Parlement*, 57.

63

Robespierre, 'Speech of Robespierre Denouncing the New Conditions of Eligibility', 83.

64

For a detailed discussion of the debate surrounding the Constitution of 1793 see Israel, *Revolutionary Ideas*, 345-73.

65

Singham, 'Betwixt Cattle and Men', 118-22. The small Jewish community based in Avignon were also enfranchised in January 1790, but not the Ashkenazi communities in Alsace, Lorraine and Metz or those based in Paris.

66

Condorcet, 'Sur l'Admission des Femmes au Droit de Cité', 1-2.

67

Condorcet, 'Sur l'Admission des Femmes au Droit de Cité', p. 2.

68

Olympe de Gouges, *Les Droits de la Femme*.

69

Olympe de Gouges, *Les Droits de la Femme*, 11.

70

Olympe de Gouges, *Les Droits de la Femme*, 15. De Gouges had also written a play that dealt with the issue of slavery. It was performed at the Comédie Française in the autumn of 1789. Singham, 'Betwixt Cattle and Men', 137. Condorcet's best-known work on this subject was published under the name of Schwartz. [Condorcet], *Réflexions sur l'Esclavage des Nègres*.

71

Dubois, *A Colony of Citizens*.

72

Dubois, *Avengers of the New World*, 73. See also Cooper, *Slavery and the French Revolutionists*, 16-17.

73

Cooper, *Slavery and the French Revolutionists*, 49.

74

Dubois, *Avengers of the New World*, 74-5.

75

Dubois, *Avengers of the New World*, 82.

76

Dubois, *Avengers of the New World*, 130. Men of mixed race and blacks within France itself had already been granted citizenship alongside the Ashkenazi Jews in September 1791. Singham, 'Betwixt Cattle and Men', 122.

77

Dubois, *A Colony of Citizens*, 159.

78

Dubois, *Avengers of the New World*, 163-5. However, in this case as in others, these rights and liberties were often restricted in practice. See, in particular, Dubois, *A Colony of Citizens*.

79

I am grateful to Terence Ball for suggesting this idea.

80

Dubois, *Avengers of the New World*, 78.

81

For a more detailed discussion of the Cordeliers and their ideas on citizenship see Hammersley, *French Revolutionaries and English Republicans*, especially, 15-55.

82

On binding mandates see Desmoulin, *Les Révolutions de France et de Brabant*, VII, 109.

83

Robert, *Le Républicanisme Adapté à la France*, 88 and see also 93-4.

84

Girardin, *Discours de René Girardin*, 4.

85

Discours de René Girardin, 26.

86

Lyons, *Napoleon Bonaparte*, 61.

87

Lyons, *Napoleon Bonaparte*, 66-7 and 71-2.

88

Lyons, *Napoleon Bonaparte*, 71.

89

Lyons, *Napoleon Bonaparte*, 94-102.

90

The best account of the long and complex history of developing notions of citizenship in post-revolutionary France remains Rosanvallon, *Le Sacre du citoyen*.

91

Furet, *Interpreting the French Revolution*, 79.