

DUNOYER AND THE BOURBON RESTORATION OF 1814:
THE CONSTITUTION AND FREEDOM OF THE PRESS

Charles Dunoyer¹ (1786-1862) gave up his career in the imperial service in Holland following Napoleon Bonaparte's unsuccessful campaign in the fall of 1813. His reasons for breaking with the Empire were similar to those expressed by the republican and liberal opposition in the "Address of the Legislative Body to Napoleon" on December 28, 1813. Dunoyer returned to private life in Paris and re-established contact with his friends who had shared his legal studies or his political conversations.

Dunoyer had gone to Paris in 1803 as an élève d'élite to attend the Académie de Jurisprudence, after completing his secondary education in the école centrale at Cahors.² The lively interest in philosophy and literature which he acquired at the école centrale was less expressed after his arrival in Paris as the Consulate was being transformed into the imperial regime (May, 1804). The official hostility to the intellectual influence of the philosophes and Ideologues did not diminish Dunoyer's interest in their ideas and their writings. His political ideas were formed by his close reading of Locke, Condillac, Bentham, and especially the writings and conversations of Antoine-Louis-Claude Destutt, comte de Tracy (1754-1836).

1. Barthélemy-Charles-Pierre-Joseph Dunoyer was born May 20, 1786 at Carennac, province of Quercy (modern department of Lot) to a "famille languedocienne" which once held the seigneurie de Sarrazac. His father was Jean-Jacques-Philip Dunoyer de Segonzac and his mother Henriette de La Grange de Rouffillac. Destined as an infant for the order of St. John of Malta, he began his schooling in the order's house at nearby Martel. After the confiscation of the order's houses in 1792, he continued his education at home, first with his aunt, a former member of the Visitation order, and later with the former Benedictine prior of Carennac. F. A. Mignet, "Charles Dunoyer, Notice ... 3 Mai 1873," Nouveaux Éloges Historiques, Paris, Didier, 1878, pp. 239-84, esp. pp. 239-45.

According to Mignet, Destutt de Tracy was Dumoyer's "Venerable master" and Victor de Tracy, Destutt de Tracy's son Dumoyer's close friend. Destutt de Tracy welcomed conversation with young people interested in political ideas and Dumoyer's acquaintance with the de Tracy's appears to date from this period of his student days in Paris. The writings of Destutt de Tracy were a continuation of the work of Locke and Condillac, and his writings were formed by reading and re-reading the works of his hero of reason, Voltaire, whom he visited as a young man. Destutt de Tracy was associated with the circle of Condorcet around Mme. Helvétius which included Cabanis, Volney, Garat and Daunou (with the latter three of whom Dumoyer would be closely associated during the Restoration). Destutt de Tracy was acquainted with Jean-Baptiste Say and based his own economic work on Say's Traité d'économie politique (1803), as well as on Quesnay, Turgot and Adam Smith. Since Destutt de Tracy was a long-time friend of Lafayette, and since his daughter married Lafayette's son, George, in 1802, with the two families frequently spending long periods at each other's homes, Dumoyer's close association with the Lafayettes during the Restoration may have begun at this time.³

2. Stemming from the educational work from the Estates générales to the Council of Public Instruction, the écoles centrales were organized under the Directory by the Ideologues, including Destutt de Tracy, and staffed by the disciples of their ideas. The école centrale attended by Dumoyer was singled out for its introduction of Ideologue ideas and authors. Pierre-Louis Ginguené, an Ideologue editor of La Décade (October 22, 1801, p. 161) noted the success of the école centrale of Lot in an article on education. Joanna Kitchin, La Décade (1794-1807), Un Journal "Philosophique", Paris, Lettres Modernes, 1965, pp. 3-10; Charles Hunter Van Duzer, Contribution of the Ideologues to French Revolutionary Thought, Baltimore, The Johns Hopkins Press, 1935, pp. 141-42; Emmet Kennedy, Destutt de Tracy and Ideology, (unpublished manuscript), pp. 72-75, 140-44.
3. Mignet, "Dumoyer," op. cit., pp. 243-45, 270; Jean Cruet, La philosophie morale et sociale de Destutt de Tracy, Tours, P. Bousrez-J. Allard, 1909, pp. 3, 15, 23, 28-33, 40-41, 46, 68. Paul Chanson, La Fayette et Napoléon, Lyon, IAC, 1958, pp. 161-62.

Following law studies at the École de Droit, Dunoyer translated the Novelles of the Emperor Leo III. In 1807 Dunoyer met Charles (François-Charles-Louis) Comte (1782-1837) with whom he then collaborated on the Recueil des lois et arrêts being prepared under the direction of the jurist, J. B. Sirey. Dunoyer and Charles Comte were drawn together by their mutual interest in the writings of the eighteenth century philosophes, and the works of Locke, Bethman, Condillac, Destutt de Tracy and the Ideologues formed the subjects of their common political discussions. However, at the insistence of his parents, Dunoyer reluctantly left his scholarly pursuits in Paris and entered government service under the Empire in subordinate diplomatic and administrative posts. His entry into the imperial service was through a family which was friendly with Dunoyer's parents, the Bessières of Prayssac, Lot. Marechal Jean Baptiste Bessières, duc d'Istrie, was commander of French armies in northern Spain; his younger brother, Baron Bertrand Bessières, was a Napoleonic general de cavalerie and administrator. Their cousin, Julien Bessières, had participated as a savant in the Egyptian expedition and visited North Africa, returning to France by way of Jaxina (Albania) and Venice. When, following the intervention of Napoleon in Spain in 1808, a French administration was established in Navarre, Julien Bessières was intendant général and Dunoyer was sent to Spain as his secretary. Later, Bessières' administrative activities concerned the French army in Spain. Dunoyer's strong interest in Spanish politics was maintained during the Restoration. Dunoyer accompanied Bessières when the latter became intendant in Holland (in December, 1813, Bessières became prefect of Gers, and then prefect of Aveyron in 1814). Dunoyer had become strongly opposed to the Empire, not least due police methods of the imperial government in Holland. On returning to Paris he identified with the liberal opposition in the senate, especially Destutt de Tracy,

Grégoire, Garat, Lanjuinais and Lambrechts.⁴

The liberal senators had been viewed by Napoleon as more dangerous than the royalists, and in late March, 1814 they took the lead in his deposition. Dunoyer's friend, the abbé Grégoire, had prepared two years earlier a draft of an act of deposition. On March 30, Destutt de Tracy, Lambrechts and Tascher were deputed to interview Joseph Bonaparte, the Grand Elector, but he had departed from Paris. With the Allied armies' occupation of Paris on March 31, the liberals were joined by other senators in proposing Napoleon's deposition. Talleyrand, Vice-Grand Elector, persuaded Tsar Alexander to restore the Bourbons, and on April 1, he presided over the senate's session which created a provisional government of five members headed by himself. The senate simultaneously directed the provisional government to present to the senate a draft of a constitution containing the substance of the following principles: the senate and legislative body to be integral parts of the constitution, the army to enjoy its grades and pensions, the public debt and the sales of national domains would be irrevocably maintained, no Frenchman was to be disturbed for his political opinions, and the maintenance of freedom of worship, conscience and the press, "except the legal repression of crimes which are able to give birth to abuse of this freedom."⁵

4. Mignet, "Dunoyer," op. cit., pp. 239-46; the conspiracy of General Malet, in October, 1812, was blamed on Destutt de Tracy, Garat and Grégoire, among others, including royalists, and Napoleon, in a response to an address of the conseil d'état on his return from Russia, centered his fears of opposition from republican liberalism on the Ideologues in the senate. P.-J.-B. Buchez and P.-C. Roux, Histoire Parlementaire de la Révolution Française, Paris, Paulin, 1898, XXXIX, 388, 395, 452-58.

5. Buchez and Roux, Histoire Parlementaire, XXXIX, 498-507; Scandar Naguib Fahmy, La France en 1814 et la gouvernement provisoire, Paris, Les Presses Modernes, 1934, pp. 30-31, 101, 116-18.

Napoleon was deposed by the senate, April 2-3, 1814. Talleyrand asked the assistance of the senators in the preparation of the draft of the constitution probably to compromise the republican liberal opposition to accept a more royalist constitution than they would prefer. On April 4, the provisional government charged five senators - Lebrun, Emmery, Barbe-Marbois, Destutt de Tracy and Lambrechts - to draft a constitution. Many persons were brought together to judge it and the discussion was prolonged throughout April 5 and the draft adopted. The senate named a commission on April 6 to examine it; four members approved it, and three - Grégoire, Garat and Lanjuinais - opposed it. The senate decreed it as the constitution; it called the brother of the last king to the throne of a constitutional monarchy. The royalists viewed the constitution as the fruit of Jacobinism. The English government was dissatisfied as they believed that Talleyrand and the senate, supported by Tsar Alexander, envisioned a Franco-Russian entente and intended the Bourbon monarch, who was favorable to England, to be a figure-head totally limited by the senate's constitution and by a cabinet dominated by the senate since it would be responsible to the legislature.⁶

Despite the safeguards in the constitution, the provisional government re-established censorship on April 7 requiring authorization of the prefecture of police, appointing Michaux, a member of the Institut, as censor of journals existing on March 31. It maintained the execution of the regulations on printing and bookselling based on the imperial decree of February 5, 1810 and vested authority in the departments of the interior and general police. The members of the senate pressed the provisional government to allow freedom of the press, but the abbé Montesquiou, one of the

6. Buchez and Roux, Histoire Parlementaire, XXXIX, 517-21, Fahmy, La France en 1814, pp. 130-37, 178-208; J. F. Bernard, Talleyrand, New York: G. P. Putnam's Sons, 1973, pp. 323-353.

five members of the provisional government, represented the royalists in advocating the continuation of the censorship.⁷

Dunoyer was one of the gentleman of the National Guard cavalry which was formed as a guard of honor for the comte d'Artois on his entry into Paris on April 12. But, Dunoyer withdrew from the guard of honor when the senate's constitution was set aside by Louis XVIII; in the declaration of Saint-Ouen on May 2-3, the king promised a new constitution. Dunoyer's contact with the liberal senators increased his commitment to strict adherence to the constitution, and he responded in May, 1814 with an anonymous pamphlet: Réponse à quelques pamphlets contre la constitution (Paris, 1814, 16 pp.). For Dunoyer, the re-establishment of the censorship was a wound at the constitution at the moment that the senate had given it birth; the censorship reserved to the government the power of permitting the publication, as Dunoyer put it, of adulation or outrages. He wondered how foreigners would judge the French who now criticized the government where they once praised the imperial government with exaggeration. He was bitter over the press attacks on men who no longer had power either to support themselves or to defend themselves, especially as the attacks were by journalists who once praised those men. He argued against the sufficiency of reliance on royal promises once the king had set aside the senate's constitution. Concerning the attitudes of the royalists, he wrote:

7. Frank Maloy Anderson, ed., The Constitutions and other select documents illustrative of the history of France (second edition, 1908), New York, Russell and Russell, 1967, pp. 443-51, 433-35; Guillaume de Bertier de Sauvigny, The Bourbon Restoration (trans. by Lynn M. Case), Philadelphia, The University of Pennsylvania Press, 1966, pp. 34-45.

I believe that I do a useful thing in responding to some of those brochures of diatribes which think to serve the cause of the royal authority in attacking the Constitution, which alone is able to serve as a foundation. Several of these pretended amis du roi who are in effect his most dangerous enemies, seem to be given the word to write that he does not need a constitution; that Louis is our legitimate master; that it is a crime to wish to limit his powers.⁸

In order to avoid the arbitrary government of the Old Regime which Dunoyer charged that the royalists were seeking to re-establish, he insisted upon a strict adherence to the constitution. He condemned the Old Regime and held that neither the monarchy nor the parlements of the Old Regime possessed legitimate authority. Since the royalists believed that the French had been so happy for eight centuries under despotism and feudalism, he insisted that the nation had to uphold the constitutional guarantees lest they be returned to their previous status of slavery and barbarism. His outrage at the royalist demands for a return to the Old Regime was stated in terms of the inconsistency between the feudalism and barbarism upon which the Capetian dynasty was founded and the modernism of the early nineteenth century. Dunoyer said:

Someone dares, in the 19th century, after 25 years of revolution, and ten years of Bonaparte's regime, to propose to 30 million Frenchmen to yield themselves bound hands and feet to one man, to place themselves without shame, without dignity, at his discretion.⁹

Since a strict observance of the constitution was central for his hopes for a stable and progressive France, Dunoyer was particularly concerned regarding the men who would determine government policy. The reservoir of political leadership seemed to him to contain a vast majority of people

8. Charles Dunoyer, Réponse à quelques pamphlets contre la constitution, Paris, 1814, pp. 3-7; Dunoyer added in a footnote: "There appeared, since the first days of April, a journal having as its title: l'Ami du Roi, permit us to mistrust this friend on parade; the Marquis de Mirabeau was baptised the Ami des hommes; Marat called himself the Ami du peuple." Ibid., n. 16. Mignet, op. cit., pp. 246-47.

There is in their language a reversal of sentiments and of ideas made to revolt, to dispair every delicate and enlightened man who feels his dignity as citizen, and especially, the danger to which these servile doctrines expose the state and the king.¹¹

As a legal government body, the senate was acting as a constituent assembly when it wrote the constitution, and Dunoyer viewed it as possessing constitutional competence, as an alternative to an elected convention or an estates-general. The royalists rejection of the senate's constitution, he suggested, was forcing Louis XVIII into the role of the successor of the unconstitutional despotism of Napoleon. He responded forcefully to the royalists' claim that the king was like God and the constitution must be his work:

What odious doctrine! Let us hasten to repair the mortal injury that it made to humanity, and particularly to the French nation. Let us hasten to say, that Louis-Stanislas-Xavier, far from the power, himself alone to rule our destines, is on the contrary the only Frenchman who is not able to take any active part in the act which will fix our destines; it sufficies that our voices be turned toward him and designated him as the Frenchman who is most worthy of the first magistracy of the state, for which he ought to abstain, were it only by show, from concurring in the formation of laws which regulate his powers, and of which he ought to be the depository.¹²

This reference to Louis-Stanislas-Xavier echoed the senate's form in calling Louis XVIII to the throne as the brother of the last king; it indicated that he was not king until he accepted the agreement with the senate. Dunoyer's concept of "the first magistracy of the state" very strongly expressed his view of the chief executive as necessarily at most the equal of the legislature. So long as the royal power was formal and real power resided in the legislature and the ministry responsible to

11. Dunoyer, Réponse, pp. 10-11.

12. Dunoyer, Réponse, p. 14.

the legislature, it did not matter whether the outward forms were those of a republic or of a monarchy. One root of Dunoyer's ongoing constitutional conflict with the Restoration government can be seen in his concept of the king as "the first magistrate of the state."

Dunoyer distinguished three parties in France at the beginning of the Bourbon Restoration: Bonapartists, royalists, and Jacobins. The Bonapartists he characterized as blind supporters and hired assassins. The royalists were blind, ignorant and envious; they sought absolute power and class privileges. The royalists were noteworthy, according to him, for abandoning Louis XVI because he had supported the constitution and the limited monarchy. The Jacobins, as beneficiaries of the extremism of the royalists, caused the degeneration of the 1789 Revolution. He warned that once again the extremism of the royalists, such as their refusal to support the full commitment of Louis XVIII to the constitution, would benefit the Jacobins. As a result, the degeneration of the 1789 Revolution would be repeated during the "revolution of 1814." Dunoyer's favorable references to the 1789 Revolution and his criticism of the Jacobins prefigures his future support for the concepts of the 1789 Revolution and its leading living representative, Lafayette. His designation of the institution of a constitutional government as the "revolution of 1814" indicated the optimism he had for constitutionalism, as well as his fears for the repetition of the revolutionary events caused by royalist extremism.¹³

13. Dunoyer, Reponse, p. 15. By his words, "revolution of 1814," Dunoyer did not intend to connote something negative in the sense that Charles Fox did when he said that "a Restoration was the most pernicious of all revolutions." Douglas Johnson, Guizot, Aspects of French History, 1787-1874, London, Routledge & Kegan Paul, 1963, p. 28.

In the discussion of the parties struggling to control the political power of the state, Dunoyer's Reponse à quelques pamphlets contre la constitution evidenced some aspects, still undeveloped, of his future more comprehensive contributions to political and social thought. Although centered still on political rather than economic foundations, he identified a class which was separated from party divisions of ordinary politics and which did not benefit from that politics. He noted:

In the midst of these parties, there is a class of men of whom no one speaks at all; it is that of honest citizens who desire a government founded on law. These men do not at all consider the king as God, they do not at all say, with M. F., that all faces ought to be abased and humiliated before him: that one ought not to envisage the splendor of the royal dignity: that this contemplation and that profound respect command a submission without reserve; but they revere him as the first magistrate of the state; they obey his order when he commands in the name of the law, and they devote themselves without reserve to his cause when he does not separate his from that of the nation. These men do not take any more for their device: Live free or die, as the Jacobin deputies made theirs; but they protest in the depths of their hearts all the acts which attack public liberty, and they are always praying to be rallied to governments which do not wish to have more authority than the laws give to them.¹⁴

A new constitution, the Charte, was issued by the royal government on June 4; it was a response to pressure by the Allies occupying Paris who had concluded hostilities with France by the treaty of Paris (May 30, 1814). Dunoyer accepted the Charte as a compact between a new monarch and a new nation formed during twenty-five years of revolution. He expected "the first magistrate of the state," the king, to be bound by the constitution and by the laws as any other citizen. He insisted that the Charte be interpreted strictly and directly, and conceived of the parliamentary system as the instrument by which the rights guaranteed in the constitution would be respected through ministerial responsibility to the legislature.

Public opinion, through the legislature, was for Dunoyer the ultimate sanction for respect for the constitution. Thus, the ability of the public to inform itself and to be informed was an absolute necessity, for the success of constitutional government. Therefore, the censorship, carried out by the interior minister, the abbé Montesquiou, appeared to Dunoyer to be very threatening. He witnessed the unsuccessful attempt by the censors to prevent publication of Benjamin Constant's May 24 pamphlet, Relexions sur les Constitutions et les Garanties (which expanded Constant's statement of his concept of constitutional monarchy which appeared in the Journal des Débats, April 21, 1814). In criticism of the censors' attempted censorship, Constant replied with his De la liberté des brochures, des pamphlets, et des journaux, considérée sous le rapport de l'intérêt du gouvernement.¹⁵

The challenge to freedom of the press and the central role which the press could perform in implementation of the Charte caused Dunoyer to join his friend, Charles Comte, in editing the new journal, the Censeur, of which Comte had issued the first weekly edition on June 12, 1814. Comte, a friend of Dunoyer since 1807, came from Lozère, and had arrived in Paris alone and without estate or fortune, but with a rude aspect and energetic character. Comte's compatriot from Lozère, Odilon Barrot (1791-1873), among whose friends Comte occupied a special place, said of Comte: "His conversations and his example fortified and purified in me the sentiment of liberalism of which my education and my origin had given me the germ."¹⁶

15. Bertier de Sauvigny, The Bourbon Restoration, pp. 51-55; Mignet, "Dunoyer," op. cit., pp. 247-48; Elizabeth W. Schermerhorn, Benjamin Constant, New York, Haskell House, 1970, pp. 269-70; Paul Bastid, Benjamin Constant et sa doctrine, Paris, Librairie Armand Colin, n. d., I, 265. Constant's "European" approach to French politics was paralleled by others, cf. the anonymous pamphlet, L'opinion publique; ou réflexions sur les journaux, le Senat, la liberté de la presse, et les

The advertisement in the first issue of the Censeur emphasized the question of the constitution. It used the constitution issued by Napoleon when he seized control of the republican government as a negative reference. Napoleon's constitution guaranteed "the free exercise of their civil and political rights," but he was "careful to introduce all the vices which he believed proper to favor his ambition." Anyone who attempted the defense of the constitution would have suffered the attentions of the police, who first would have the newspapers identify him as "a seditious person and a traitor," and then have taken him to one of the "dungeons where Pichegru was strangled." The advertisement said:

That reign of violence and oppression has ceased, and a new order of things has succeeded it. The greater part of the vices which were found in our Constitution have disappeared; but it is necessary to prevent their introduction anew; it is necessary mainly that it be respected and that it be respected by the ministers of the prince as by the last Frenchman.¹⁷

Public opinion was seen as the basic means by which respect for the laws would be achieved. Public opinion was formed by education or by periodical writings available to everyone. However, the usefulness of journalists was limited by their preference for "simple discussion of literature" and their indifference to morals and legislation. But, still worse,

the habit of that servile adulation that the greater part of them had contracted under the last government, did not permit one to hope that they would be occupied with enlightening citizens as to their true interests. In effect, how could one expect that men always prostrate before power would ever have the courage to tell the truth and to denounce publicly the errors or the arbitrary acts of a minister?¹⁸

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15. (cont.) Alliées, Paris, les Marchands de Nouveautés, 1814, p. 13 speaks of "ce patriotisme européen."
16. Charles Almeras, Odilon Barrot, Paris, Éditions Xavier Mappus, 1950, pp. 22-24; F. A. Mignet, "Notice historique sur la vie et les travaux de M. Charles Comte, ancien secrétaire perpétuel de l'Académie... 30 Mai 1846," Portraits et Notices Historiques et Littéraires, Deuxième édition, Paris, Didier, 1852, II, 79-84.

This critical attitude toward the press was to be a constant theme in the Censeur. In the new situation under the Charte a new kind of journalism was in order and the Censeur would attempt to fulfill that role:

What they will not do at all, we will undertake, Strangers to all the governments which have succeeded each other in France during the space of twenty years, we have, in writing, only the interest which ought to animate all Frenchmen, that of seeing our fellow citizens obey the law, respect public morals and resist oppression. What men of such and such a party, of such and such a sect, should not look for then in this work is what will feed their passions for they will find here nothing which will be able to please them.¹⁹

Volume one (June 12-September 30, 1814) of the Censeur contained twelve issues. Since there was a space of three weeks between the first issue of June 12 and the second issue in early July, it is likely that the work of putting out the journal was too heavy for one man. Indeed, the friendship between Comte and Dunoyer had led some people to assume Dunoyer's role in the Censeur before his public association with it in the second issue. For in the second issue he refers to an exchange with a royalist on leaving the chamber of deputies in which he was attacked for the material appearing in the first issue of the Censeur.²⁰ Numbers two, three and four of the Censeur appeared in July; numbers five, six, seven and eight appeared in August; and numbers nine, ten, eleven and twelve appeared in September, 1814. The first three issues were published by Charles; thereafter the publisher was Renaudière.²¹

17. Le Censeur, ou Examen des actes et des ouvrages qui tendent à détruire ou à consolider la constitution de l'état, tome I, iii-iv. This was the title for six of the seven volumes of the Censeur; the second volume (probably due to the new censorship of October, 1814) carried this title: Observations sur divers actes de l'autorité et sur des matières de législation de morale et de politique. Subscriptions to the Censeur were placed through Chez Madame Marchant, rue des Grands-Augustins, No. 23.

18. Censeur, I, v.

19. Ibid., I, vi.

Charles Comte's major article in the first issue, "Charte constitutionnelle,"²² indicated their shared belief that the Charte was capable of being the basis for the evolution of ever increasing freedom, and thus of ending the successive revolutions which the French had experienced, but which had failed to increase freedom. Dunoyer and Comte hoped that the royalists accepted limited monarchy and ministerial responsibility, with the bourbons restored to honor but not to power. They believed that the constitutionalists would find the Charte a major accomplishment in which most of their principles were clearly spelled out. Republicans were advised that the forms were less important than the content and that, with the Charte, France as England, was a true republic in all but name. The Bonapartists, as the most recent rulers, were the least easily reconciled; however, they could gain support, fulfill their ambition for offices and return to power in the event of major failures by the new regime.

Dunoyer undertook much of the political reporting and analysis for the Censeur, including coverage of the chamber of deputies. He prepared the Bulletins du Censeur (Nos. 1-11) which were begun with the second issue (they were paginated separately from the body of each issue of the Censeur). As an attempt to introduce late-breaking items, the Bulletin contained shorter and more immediate comments on events. Dunoyer began regular coverage of the debates on the day that it had adopted the rules for its organization, June 27, 1814. He emphasized that the chamber began to have an interest which it lacked under the previous regimes. He noted that some people

21. Ephraim Harpaz, "Le Censeur," Histoire d'un journal libéral, Revue des Sciences Humaines, N. S., Fasc. 92, Octobre-December 1958, 483-84. The Censeur had announced that it planned to appear four times a month, on each Saturday, and it would consist of three sheets (forty-eight pages) or less.

22. Censeur, I, No. 1, 1-9.

expressed alarm that the deputies would "not forbid themselves sufficiently from the mania of making laws that one had had in France for twenty five years." The deputies, he hoped, would center their zeal on resisting attempts to reverse the gains of the revolution and on defense of laws against infringements of the government.²³

Dunoyer considered it a hopeful sign that the deputies (late in June) requested a new law defending freedom of the press in accordance with the eighth article of the Charte:

Article 8. All Frenchmen have the right to publish and have printed their opinions provided they comply with the laws intended to repress (réprimer) abuses of this liberty.²⁴

He was pleased that the deputies had denounced the ordonnance of June 10, issued by the minister of the interior, abbe Montesquiou, which re-established censorship in violation of the Charte. Whatever the urgency necessary for the completion of the penal law on the press, Dunoyer felt there was greater urgency to revoke the ordonnance of June 10 which destroyed freedom of the press and violated one of the most important articles of the Charte.²⁵

Dunoyer, in "Découverte politique," regarding a pamphlet on freedom of the press, raised the theme of the parody of the English constitution which he was to apply frequently. He admired England's freedom of the press and its use of jury trials in press cases. With irony, Dunoyer declared:

23. Ibid., I, No. 2, 32-33, 39.

24. Bertier de Sauvigny, The Bourbon Restoration, pp. 66-67; Irene Collins, The government and the newspaper press in France, 1814-1881, London, Oxford University Press, 1959, p. 1.

25. Censeur, I, No. 2, 32-34.

Rejoice six, -France triumphs; England is lost, lost without return. Our ministers have borne it a mortal blow; in three months, it will be in a state of revolution, and in six, we will conquer it. -What! then they found the means to destroy its navy or its credit? They have done better, they have found the means to overthrow its government. Seeing that we have not been able to destroy it by arms, they will attack it by ridicule. The act of June 4, which we have taken as a constitutional charter, has become a parody of the English constitution. We have freedom of the press ... with preliminary censorship; we have a legislative power, with ... Oh! this is pleasing and we will cause all the people of Europe to laugh at the expense of England! 26

Dunoyer continued by describing his leaving the chamber of deputies and hearing the comments of "an old habitué of Vaudeville" who was interrupted by a "brave royalist" who spoke to Dunoyer regarding the Censeur:

I have read the first number of the Censeur; and, as all honest men, I have been indignant at your audacity. What! you dare to speak to us of truths and customs, you undertake the defense of laws, against the ministers of His Majesty! Beware. Be informed that this faithful chamber of deputies will know how to make you regret your temerity, and that it will be eager to suppress a freedom of which you make a so criminal usage. His Excellency, the minister of the interior, will come forward to demand of it the suppression of it, and you will be able to be convinced that it will not be refused him. 27

Dunoyer concluded with the fable of the Calif Aaron Al Raschid wherein the chief minister was reproved by the Calif who preferred error to circulate rather than risk censoring truth. Dunoyer presented a warning to the ministers that they had not any right to abrogate laws even when the effect of their action might be good. 28

In early July, 1814 the government proposed a new press law. Claiming that it was only an elaboration on article eight of the Charte, the minister of the interior, abbé Montesquiou, presented to the deputies on July 5, the proposed law in which Royer-Collard and Guizot had an active part. The penal Code introduced by Napoleon

26. Ibid., pp. 57-58.

27. Ibid., p. 58.

28. Ibid., pp. 58-60; Bulletin, I, 1 (1er-5 juillet), 1-2.

was viewed by the government as insufficient. That code provided for direct provocation of sedition, but did not believe it possible to prove and punish indirect acts. The code punished calumny, the statement of false information, but did not punish true information, whatever feeling of injury might be involved. Montesquiou rejected the English law of libel as unacceptable, and preferred to allow the government to hold discretionary power to maintain political stability. The ministers denied the accusation of the deputies that the bill violated the Charte which had spoken of repressing press abuses, while the bill's preliminary censorship was not repression but prevention.²⁹

Charles Comte published an open letter to the minister of interior with reference to freedom of the press.³⁰ Dunoyer followed with a discussion of the debates of the deputies on this freedom. In place of attempting to propose laws to safeguard and even increase the freedom of the press, the proposed law was viewed as placing the freedom of the press in peril. Dunoyer was shocked that the law not only punished the authors but also the printers as accomplices in crime. He declared: "I believe that it is not possible to make a law more despotic in content, nor more liberal in its form."³¹

29. Regarding the bill's important provisions: "Its nine brief articles were badly worded; no one could be sure what the ministers meant by them, and liberal deputies were at liberty to assume the worst. The first eight articles entitled the director-general of publishing to send any writing of thirty pages or less before a panel of censors and to suppress the writing if the censors reported it dangerous to law and order, contrary to the Charter, or injurious to public morals. The bill did not state whether newspapers were to come under these provisions or not. The only article which referred specifically to newspapers was article 9, whereby no newspaper or periodical could appear without permission from the king. This was in itself a form of preliminary control, and along with the previous eight articles it was attacked by liberal deputies as contrary to the Charter. . . . Liberal deputies, however, denied that anyone could ever have believed réprimer to be synonymous with prévenir, and from this time onward article 8 of the Charter was quoted by liberals as a deliberate promise of complete freedom from censorship." Collins, op. cit., pp. 2-3.

In the Bulletin, Dunoyer criticized the notion that freedom of the press was something foreign that would bring unhappiness to France. He accused the police of failing to prevent public display on the streets of pictures contrary to good morals in order to arouse sentiment destructive of freedom of the press. Dunoyer was impressed by the resistance of public opinion to the reimposition of censorship after the constitution, in his opinion, had abolished it. The ministry of interior's proposed law was attacked by a mass of pamphlets while its defense was limited solely to what Dunoyer said was "one or two anonymous people who well are able to belong to the directory of the librairie." The newspapers equally had condemned the proposed law, and the lone support of the mildly royalist Gazette de France was attributed to its censor. He singled out as the best pamphlets defending the legality of freedom of the press those written by Benjamin de Constant, Bechateau, Suard, Soulety and Durbach. He noted that the Gazette de France considered all supporters of freedom of the press as inflammatory except Benjamin de Constant. Dunoyer praised the Journal de Paris for withstanding government pressure in order to expose police brutality and to give news of events in Spain from German and English newspapers. In proposing to the ministry non-interference with freedom of the press, he suggested that the ministry consider following the example set by governments of the Left-bank of the Rhine where the institutions established by the Revolution were preserved. Dunoyer asked if the police in Paris had been directed to seek the names of the authors and printers of the anonymous pamphlets which were seditious because they attacked the articles of the Charte.³²

30. Censeur, I, No. 3, 75-110.

31. Ibid., pp. 110-15.

32. Bulletin du Censeur, I, No. 2, 11-12; No. 3, 13-16, 17-20; No. 4, 23-24; Censeur, I, 39, 121-22, 213-16, 259.

The arguments of the press, the pamphlets and the deputies caused the majority in the chamber to pressure Montesquiou to adopt a number of amendments to the proposed law. However, the call to the opposition of M. Dumulard, a deputy, to use "revolutionary methods" to dispose of the bill led to a response by the ministry which recalled for the deputies the memories of Père Duchesne. The deputies then voted to pass the bill. Dunoyer criticized Montesquiou's claim that repression was a synonym for prevention. He noted that only by using them as synonyms could the ministry easily reconcile censorship with freedom of the press. He insisted that the government was attempting to prevent action which they opposed rather than punishing actions proven to be wrong. The fundamental difference between an arbitrary system and a system providing guarantees for civil liberties seemed to him underscored by the illegality of preventive action and the legality of punishment of a proven crime. He recalled the importance of freedom of the press in England: "The newspapers which in England serve as the strongest barrier to government that the human spirit has been able to conceive, are in France only vain sheets that the wind blows away as those of the Sybille."³³

Monetary and fiscal policies of the Restoration were discussed by Dunoyer in the early August issue (No. 5) of the Censeur. Noting a proposal to the chamber of deputies to prohibit the importation of precious metals or coinage which were marked with false valuations, Dunoyer opposed this attempt to have the government interfere in the money market and he called the attention of his readers and of the deputies to the economic writing of J. B. Say.

33. Ibid., pp. 251-56.

Dunoyer's discussion of Say's contribution, based on the 2nd edition (1814) of Say's 1803 Traité d'économie politique, is a purely economic one dealing with monetary and fiscal policy. But, this early full understanding and agreement with Say's economic analysis prepared Dunoyer, as well as Charles Comte (who later became Say's son-in-law), for accepting Say's extensive social theory and then expanding and deepening it themselves, once they encountered say personally in 1815. Dunoyer in No. 5 of the Censeur referred to Say's Traité (1814) as: "This work, one of the most useful which has been published for a very long time, ought to be the manual of all persons who are occupied with administration."³⁴

In contrast to those who claimed that the institutional forms re-established by the Restoration were mitigated or weak, Dunoyer believed that the important issue was that the government made no attempt to build on the "new customs and new laws." Instead its ordannaces were based on "some gothic usage or some abroated edict." Petitions were based on fifteenth century superstitions, such as the devotions for the birth of an heir. He noted that as soon as the Charte was promulgated forty members of the former parlement of Paris gathered and requested that the king register it with them. While the ministry sought to turn the chambers into parlements, the members of the former parlement of Paris protested against "all that had happened from the beginning of the revolution to the present day inclusively."³⁵

Dunoyer was concerned about the newspaper attacks on all that the revolution had accomplished over twenty-five years, and he was especially critical of the attempt of the government to gain

³⁴. Ibid., pp. 205-208.

³⁵. Bulletin du Censeur, I, No. 6, 41-42, 46-48; references to the parlements appeared in several of his articles, cf. Censeur, pp. 33-37, 210-13.

absolute authority by exciting the public against "the men who had overthrown royalty in France." He detected a program of "calculated indignation" by the newspapers against these men in order to isolate them from all the parties and then have them proscribed. These actions he considered to be criminal and he demanded that the formentors of that program should be punished for provoking the people to revolution and civil war. He insisted that the government give complete respect to the laws protecting citizens from the government as well as to public opinion.³⁶

Strong opposition to the press bill of the ministry developed in the chamber of peers. Not only did the peers force the ministry to accept additional amendments, but the preamble proposed by Montesquiou, in which the law had been presented as a complement to the Charte, was struck from the bill by the majority of the peers. The Censeur devoted more than one hundred pages in the ninth and tenth issues (first and second weeks of September) to the peers debates on freedom of the press. The Censeur's criticism of the governments limitation on press freedom was continued by Dunoyer in the eleventh issue. He noted that the minister of the interior, the abbé Montesquiou, had claimed that the press law would suspend freedom of the press for two years only although he had insisted that censorship and freedom of the press were compatible. However, on August 30, 1814, Montesquiou had contradicted that contradiction by stating to the peers that the government was no favorable to freedom of the press, but was opposed to it, and that the press law was not suspensatory but permanent. Dunoyer's criticism was prepared on the basis of the notes of the speech delivered by Montesquiou which were made by comte Dedelay-d'Agier. The latter had answered the minister's charge that all revolutions were the result of printed matter by asking if such anti-feudal risings as the Jacquerie were due to

the yet-to-be-invented printed matter. Dedelay-d'Agier called the attention of the government to the means used in England to calm agitation - the formation of a new ministry. He recommended that the French king use his powers to follow the English example. Since the minister of the interior refused to answer solid objections to his proposed press law, Dedelay-d'Agier said the minister's responses alarmed him.³⁷

In the Bulletin, 31 août-6 septembre, Dunoyer once more called attention to the works of Benjamin Constant. He compared Constant's writings which had passed through several editions with the ministerial newspapers and writings. He felt that the several editions of Constant's writings were an encouragement to persons of good intentions. Quoting from the London Morning Chronicle, he informed Montesquiou that the English constitution was a product of choice which had been formed by wisdom and by experience. He said that law had purpose in society only if it guaranteed liberty to man: "the security of his person, of his property, of his thought and of his conscience." The rights of man were considered to be the basis of the concept of a constitution; if these rights were not recognized by the limitations on actions of governmental bodies then the system of balances and limitations between them would be meaningless. If there were any true balances and counter-weights against the government, it would not be found in the constitutional arrangement. It would be found outside of it in public opinion.³⁸

36. Bulletin du Censeur, I, No. 6, 46-48.

37. Censeur, I, No. 9, 359-400; I, No. 10, 401-460; I, No. 11, 461-72; Bulletin du Censeur; I, No. 7, 48; peers singled out by Dunoyer for defense of freedom of the press were: comtes Desutt de Tracy, de Malleville, Lanjuinais and Boisy d'Anglas, and the duc de Tarante (d'Otrante); speeches featured from the debates of August 16, 20 and 23 were: comte Cornudet, duc de Brissac, comte de Malleville, duc d'Oudeauville, comte Boissy d'Anglas and comte Porcher de Richebourg; and of August 27 and 30: duc de la Rochefoucault, comte Dedelay-d'Agier, comte Lanjuinais, comte de Valence, duc de Lénis, duc de Choiseul-Praslin, duc de Tarante (d'Otrante), comte Cholet, comte Lenoir-Laroche, and comte Volney, Censeur, I, no. 9, 359-400;

Freedom of the press was central to public opinion's control over government. Recalling the minister of the interior's justification for repression of freedom of the press that the government feared abuses of it, Dunoyer suggested that there would be an infallible means to judge the justification of that fear. That would be to determine "who, for six months, had most used this freedom in the interest of law, of good order and of public morality, the ministry or the nation." He doubted that the examination would prove to the ministry's advantage, and that it would indicate that those demanding censorship were the most in need of it.³⁹

Among several continuities from the Napoleonic to the Restoration regimes, Dunoyer found the attacks on "philosophie." Dunoyer found it anomalous that the attacks on "philosophie" for criticizing the vices in the institutions and customs and for demanding their reform was less severe in the eighteenth century than the current attacks on it for seeking to defend the institutions developed since the revolution. "Philosophie" was accused of rebellion and of the spirit of consistent system of thought; it was the butt of every common-place. Another school of thought was built on a system of inconsistency and sought to "praise the past at the expense of the present," as well as "secretly undermines the new institutions, and strives to revive the old ones." Philosophie, "in his defended those laws which were harmonious with the enlightenment and customs which had developed in recent decades while its opponents sought to "revive abrogated and forgotten laws which are contrary to all living ideas."⁴⁰

38. Bulletin du Censeur, I, No. 8, 49-51, 55-56; I, No. 9, 57-59, 64.

39. Ibid., I, No. 10, 67-68.

40. Ibid., I, No. 10, 69-70.

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The twelfth issue (the end of September, 1814) of the weekly Censeur marked its last issue as a weekly. Due to the passage of the more stringent press law, placing periodicals in the format of the Censeur, under censorship. This final issue of volume one of the Censeur contained a short concluding essay, "Adieux à la liberté de la presse," referred to as an article communiqué and signed with the initials, G. F. In the context of the criticism of the new press law, it appeared necessary to Comte and Dunoyer to be cautious about signing articles which would be more likely to be subjected to prosecution. One form of protection was to label articles as communiqué; articles which were apparently written by Comte or Dunoyer were so labeled. In addition, various initials were used to disguise some of the articles of Dunoyer, if not Comte too. The initials, G. F., appear in several issues of the Censeur, as well as in the Censeur Européen, its successor. It may be a disguise for jointly authored articles, or for those of one or the other editor. The style of this article, as most others, appears to be that of Dunoyer.

In the article, the impact of the proposed press law was emphasized by the view that "in deciding the fate of the press" that moment could be "one of the most important of our history." The decisions regarding the press would determine the future not merely of the present generation in France, but Dunoyer felt that of "generations which will come after us. Dunoyer linked freedom of the press to the question of public spirit to which he devoted several articles in the weekly Censeur.

In effect, freedom of the press is the unique means of forming a public spirit in a monarchy, and public spirit being the sole power capable of maintaining the laws and the rights of citizens, ought to be considered as a supreme goal. For us, it is a question of acquiring or of daring nearly without return ...⁴¹

At that point, the editors stated the remaining ten lines of the paragraph were suppressed by the censor.

Again Dunoyer recalled that there was an almost universal lack of support for the press law. He said that none of its supporters were men of talent, except the minister of the interior, and that none of these, including the minister, could find reasonable justification for the law. He singled out for praise and called on the French to honor the patient and firm opponents of the press law: Benjamin Constant, Raynouard, Lanjuinais, Dedelay-d'Agier, de Brancas, Lenoir-Laroche, Cholet, Boissy-d'Anglas, Dumaland. For Dunoyer, even a representative institution with a long tradition of freedom could produce few examples "of such a beautiful discussion as that which took place in the chamber of peers" in opposition to the limitations on freedom of the press. He re-emphasized his strong feeling that the press law represented a turning point for the Restoration within half a year of the abdication of Napoleon:

But, while there is still time, let us profit from these last moments of a freedom without which our other freedoms will be precarious and even nullified; let us profit from it in the hope of maintaining it, of rendering it at least a last homage, of acquitting our consciences and national honor and of seeking to obtain it with our votes and our public suffereings until it is taken from us.⁴²

He found statements of principle hollow because behind them were merely unsteady opinions which were quickly abandoned. This could be attributed to previous "stupid habits of slavery."

⁴¹. Censeur, I, No. 12, 549-50.

⁴². Ibid., p. 551.

How could such an unconstitutional law be on the verge of being sanctioned? His answer was: "It is that we have no public spirit." The inter-relation between freedom of the press and the existence of a public spirit among the French was of great concern to Dunoyer. His conclusion was made after he had examined the subject in a series of articles that he contributed to the first volume of the Censeur during the summer of 1814.

The institution of censorship "as the most important guard for beautiful literature" according to the ministry caused him to wonder what would befall an English minister who argued thus. But, Dunoyer's own answer was not published as the censors suppressed his observations. He did note that every Londoner, shouting "long live the king," would desire the "most prompt expulsion" of such an enemy of law.

But we, alas, with a constitution more positive still in favor of the press than that of the English, we are far from having the public spirit that freedom of the press is able alone to give us in the long run.⁴³

Eugene Hatin noted the response to the imposition of censorship: "The press did not remain mute. A newly founded journal, which had come to enjoy a major role and to exercise a decisive influence in these years of crisis, le Censeur, of which we will speak below, burst forth above all with a great force and great hardiness against that law, "as despotic in its base as it was liberal in its form." ... It was not only that liberal journal, which was unique for that epoch, which attacked the proposed law."⁴⁴ Moderate royalist journals such as the Journal de Paris and Journal des Débats attacked the law, but the brunt of the counter-attack by the ultra-royalists was aimed at the Censeur. "The Quotidienne "described the liberals as Jacobins on half-pay, and compared le Censeur to Marat's paper" L'Ami du Peuple.

43. Ibid., p. 552.

Dunoyer wished freedom of the press his "last adieu." With the new press law becoming effective in October, 1814, Comte and Dunoyer temporarily suspended publication of the Censeur to await the final directives of the censorship and to resume publication in a format least under the censor's control. The first months of the Censeur were summarized by Hatin:

The only journal of the epoch which was truly independent was le Censeur, which, for that reason precisely, we have cited several times, and of which our readers know already the spirit and style. Le Censeur had been created by two of those young men to whom the imperial despotism contradicted all their ideas, revolted all their sentiments, and who despite their patriotism, had seen in the day of March 31, the signal of universal deliverance. Admitted in the intimacy of the most distinguished members of the liberal minority of the Senate and the philosophic party, the Tracys, the Lanjuinais', the Lenoir-Laroques, the Lambrechts', the Volneys, the Cabanis', Comte and Dunoyer had imbibed the horror of tyranny, and it was to prevent its return that they had taken up their pen. ... the ideas which, in its first numbers, le Censeur expressed and developed in a firm and grave tone, contrasted singularly with the most part of the writings then currently published. In summation, it was a support rather than a danger to the constitutional government of June 4, if that government would march directly along its path; but it would encounter in the new paper an inflexible censor everytime that it deviated.⁴⁵

The new press law proposed by interior minister Montesquiou became law on October 21, 1814; it provided for government authorization for newspapers and preliminary censorship for publications of less than twenty sheets (feuilles) each sheet containing sixteen printed pages (or censorship of publications of less than 320 pages). Comte and Dunoyer in an Avertissement to volume two of the Censeur explained that in the twelfth issue of the first volume of the Censeur they had announced their decision to withdraw their publication from the arbitrary preliminary censorship

44. Eugène Hatin, Histoire politique et littéraire de la presse en France, La presse moderne, 1789-1860, Volume VIII, (La presse sous la Restauration), (Paris, 1859-61), Geneve, Slatkine Reprints, 1967, pp. 49-52, 41-46, 71-75.

45. Ibid., pp. 82-86.

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of government agents. To this end, they planned to publish a volume of more than 320 pages each month instead of the weekly issues of three sheets or 48 pages in the first volume of the Censeur. But, Comte and Dunoyer were informed by M. le directeur-générale de la librairie that the Censeur was nevertheless a periodical which could appear only with the authorization of the government. Comte and Dunoyer decided to forego fixed periods of publication, such as regularly appearing each month; in order to be not subject to the press law and its censorship, the Censeur, starting with the second volume, was published at irregular dates for the sake of appearing not to be a periodical as defined by the government. In the Avertissement Comte and Dunoyer, made fun of the premises of the censorship. "Although in the sense of the law," they said, "such an authorization, it appears to us, is only for periodical works of less than twenty sheets, we have offered to destroy by a contrary declaration, the declaration we had made in the 12th issue. But as the papers which we addressed to it were submitted to the censors, they have refused to make it public."⁴⁶

The government by royal ordinance placed the direction of publishing under the Chancellor, Dambray, and he declared, by a decree on October 28, that newspapers published in Paris required authorization from the director-general of police while those in the provinces required authorization from the director-general of publishing (librairie). These officials would maintain surveillance over the newspapers they authorized and the authorization could be withdrawn at any time. Dunoyer, in criticizing the ministry of the interior for re-establishing the arbitrary and preliminary censorship of Bonaparte, felt that the system of authorization had a wider purpose.

46. Censeur, II, ii; Collins, The government and the newspaper press, pp. 3-4.

He felt that if the minister of the interior was serious about prohibiting seditious or defamatory writings he would have proposed censorship and then permitted anyone to establish newspapers, while not threatening, in addition to the censorship, to seize the property of the owners of newspapers. Thus, Dunoyer concluded that the purpose of the censorship to publish more widely the "maximes of servitude," for which censorship was insufficient. The ministers desired that the newspapers speak at their will, and the position of the newspapers was placed outside the law by the ability of the government to abolish them at will. He felt that Montesquieu violated the concept of equality of Frenchmen by inserting the provision of royal authorization for newspapers as some people would be accorded publication and others excluded. Chancellor Dambray's decree seemed to him to violate the spirit and substance of the Charte because the king must act with the ministers, and not the ministers alone.⁴⁷

Dunoyer's "A messieurs des Censeurs ministeriels"⁴⁸ noted that the interior minister believed newspapers had an analogy to human beings, equating human majority to the age, twenty-one, and newspaper majority to the length, twenty-one sheets. He described the Censeur as "completely minor in its size, and too major perhaps in its relation of sentiments," and as "naturally inflexible." The original form, he said, was "more slender and its character more independent." Dunoyer insisted that the very title of Censeur excluded any preliminary censorship. Further, it would have been completely absurd, he felt, that it appear only with the permission of government agents when the objective was to expose the errors and arbitrary

47. "De l'arrêté de M. de Chancelier de France de 28 octobre 1814 relatif aux journaux et certies écrits periodiques," Censeur, II, 281-88; Collins, op. cit., pp. 4-5.

48. Censeur, II, 1-19.

actions of government officials. "Although we have not had long relations with the censors," Dunoyer observed, "we have been able to judge how sensitive they are to arrows directed against the ministers, and with what active and tender sollicitude they efface all which is able to injure the so irritable vanity of our excellencies."⁴⁹

The censors had greatly criticized the issues of the first volume of the Censeur before they had the power of repression. With the new power, Dunoyer anything worthwhile could be published by periodicals. Dunoyer noted that a passage from the Mémoires of François Rudes de Mezeray (1610-83) had been suppressed; he added: "the truths which had publicly opposed the despotic reign of Louis XIV have not been able to obtain permission to be republished under the free and paternal government of Louis XVIII." In private conversation with the censors, Dunoyer was assured the toleration of some opposition. But, in studying the corrections that the censors made in his article, he concluded that the opposition permitted would be filled with courtesy, flattery or ministers and reproaches for minor things while closing their eyes to the major arbitrary actions of the government. Dunoyer was interested not in superficial appearances but in the content of the material published. "It is not impossible that our tone contrasts often with the violence of writings published in the interests of the ministry and with its approval; and perhaps they have been ashamed more than once at the reserve and at the moderation of our language."⁵⁰ Collins observed:

The liberal Censeur evaded the press law by publishing its numbers at irregular intervals and denying the title 'periodical.' Even so it showed no startling opposition to the Government. Its editors, Comte and Dunoyer, had accepted Louis XVIII as the best guarantee against military despotism, and although they regretted his pretensions to hereditary sovereignty they believed that all classes could find satisfaction in constitutional monarchy.⁵¹

49. Ibid., pp. 2-6.

50. Ibid., pp. 5-8.

Dunoyer rejected any opposition in merely minor reproaches as too divious and too cautious. The Censeur undertook to speak the truth in its entirety which was what its public demanded. The most important truth was that the ministers did not propose laws to implement the Charte, and he insisted that he would quickly inform his readers should the ministry implement it.

It is true, sirs, that the Censeur in its early numbers, had yet fulfilled only half its task, and that in the middle of numerous infractions of the charter that it indicated, there was not cited a single ministerial act which had for its purpose to sustain our new institutions. But perhaps does one infer from this silence that it had neglected to make known what the ministers had done to give our institutions strength and stability? We ask not what good have the ministers done, that question will be too general doubtless. But, have they acted to assure the execution of the charter? Which have those of the charter's dispositions been rendered more certain or more complete by the particular laws proposed by them?52

Their demands that the ministers implement the Charte led the ministers' supporters to accuse Dunoyer and Comte of being "enemies of the government - anti-royalists." Dunoyer expected the next charge to be partisanship to the Emperor, "of wishing to make regreted the odious regime which has come to an end, to swear arms to the malevolence of its partisans, of being Bonapartists." Pro-government writers linked Comte and Dunoyer "with the names of men who are treated as seditious, as regicides, as Septemberists." Dunoyer protested being labelled a Jacobin through the accusation of "wishing to establish the republic in the midst of the monarchy." He noted that Comte and he had been "strangers absolutely to all that occurred for twenty years." The cause of liberty under the monarchy was the true object of the ministerial newspapers' attacks on the Censeur. Defenders of the constitution were attacked as "Jacobins, regicides, Septemberists" since the beginning of the Restoration by the party of men "who, after having abandoned France in 1792, because there was in existence a constitution contrary to their privileges, do not wish

in 1814 to recognize one which will not return to them the prerogatives that they lost then, or the lands of which they then were dispoiled, and to which twenty-four years of misery and of proscription have not been able to make them abandon their absurd and arrogant pretensions."⁵³

The royalist party was seeking its former position in the state, "and the prospect of giving a new constitution to France appeared to it a horrible crime; one can recall with what violence it declaimed against the Senate, on the occasion that the project of the constitution was published; one had seen then with what deep discontent it received the Charter of June 4." These "emigrés, the Vendéans" denied the right of the king to create a contract between him and the nation in the constitution because it changed the old laws and did not return the confiscated feudal domains. They viewed the Restoration as lost when the Charte did not restore the prerogatives that "distinguished them from the rest of Frenchmen." Dunoyer believed that adherence to the principles of the Charte was essential and "the religious observation of which alone is able to assure the health of the country." Those seeking to "prevent the progress of the counter-revolution" were accused by the ministers' supporters of "teaching revolutionary doctrines, of wishing to deliver France to new disorders." Those with a revolutionary past were attacked for their current views supporting the Charte.

The very great fault of M. Meliee, of M. Carnot, is not to have wished to weaken the horror attached to certain revolutionary excesses; their true crime was to have denounced with energy the arbitrary acts of our ministers, the ambitious, domineering, counter-revolutionary views of some men, of having exposed them to public reprimand.⁵⁴

The role "Des Journaux"⁵⁵ in modern political life was important not only because of the need of the public for informed criticism but because of the government's desire to control and limit public opinion. The manipulation of the newspapers was emphasized by Dunoyer:

Does one wish to render successful some arbitrary decree of which one doubts the result? The newspapers prepare slavishly the spirits to secure it. If one has need to accredit some maxime contrary to received ideas the newspapers are charged to insinuate it safely and with care. With the newspapers well conducted, the government is never able to do anything bad; it is unable even to have enemies.⁵⁶

Dunoyer believed that newspapers tended to have a common position on all matters concerning government: "it is this unity of spirit, of design, of doctrine from which it is never permitted to deviate on certain matters." Dunoyer felt that the greatest unity among the newspapers occurred under Bonaparte: "that they had never been more in accord to denote, extol, admire, libel, decry, calumny according to the fantasies of its master." He concluded that Bonaparte's government had brought the strategic use of the newspaper to its height:

The six hundred thousand bayonets of the emperor were as nothing for him. It was the newspapers which made his power; and he knew it so well that, in the last war, when he was not more than forty leagues from Paris, he did not allow a single number of the Moniteur without having read it and corrected the proofs himself. They were not able to preserve his empire for him; but what service had they not rendered to him? What errors so useful to his despotism had not been propagated? What impostures, what cowardice had he not made them say?⁵⁷

The nature of French newspapers were revealed by comparison of what they had written under the Empire and what they wrote under the new government. The Restoration found the newspapers willing to do the government's bidding and to change their doctrines at the government's direction. "On the 31st of March they still pleaded the cause of the usurper; on the 1st of April they already sang the return of the legitimate government and the triumph of the good cause, which they had combatted exclusively to that day."⁵⁸

53. Ibid., pp. 13-16.

54. Ibid., pp. 15-19.

55. Ibid., pp. 191-202.

56. Ibid., p. 192.

57. Ibid., p. 194.

58. Ibid., p. 195.

Dunoyer had found the latest pamphlet of M. d Montgaillard on the press provided a deep penetration of the political issues of the French Revolution. His treatment of the divided opinion in Restoration France added to the perspective which Dunoyer was developing and which by the second Restoration would become for Dunoyer a new interpretation of history. It is important to underscore that Dunoyer singled out Montgaillard's insights on the contemporary press as a clarification of concepts of power and of classes defined by relationship to power.

What difference has one not appreciated between the journalists of March 31 and the journalists of April 1, 1814! Lately these men spoke against the institutions anterior to 1789; they manifested a sincere hatred against any prejudice of birth; now they proclaim these institutions and that prejudice is the chief-work of legislators, and the sole gage of public happiness! They held forth to us, scarcely six months ago, on the perfectability of the human spirit; they emphasized the enlightenment of the eighteenth century, and today they wish to return us to the centuries of ignorance, of superstition and of intolerance, to those fortunate times when the people were flocks of sheep, where the nobles were the shepherds, where a monk disposed of the crown of France, and where the French were serfs in body and in spirit.⁵⁹

The Restoration's official journalists expressed "enthusiasm for Ultramontaine principles and the enlightenment of the Middle Ages. It was expected that these journalists would demand the return of all institutions and positions and offices established between Charles Martel and Louis XVI, including replacing the new representative institutions with Philip the Fair's Estates General.

Dunoyer's analysis of the Restoration ^{press} was an important feature of the Censeur starting with the second volume. The Quotidienne viewed itself as the dove of peace which returned to the ark after the great flood bearing an olive branch to

59. Ibid., pp. 195-99. Jean Gabriel Maurice Roques, comte de Montgaillard (1761-1841) had been confidential advisor of the comte de Provence (later Louis XVIII), of Napoleon and of Louis XVIII. In 1814 he wrote, De la Restauration de la monarchie des Bourbons et du retour à l'ordre.

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announce the restoration of happiness to mankind. But, Dunoyer found that the post-flood Restoration in Europe had not brought happiness to "those who remained of mankind from St. Petersburg to Madrid, from Lubeck to Rome." For him the purpose of the Quotidienne was something other than its claimed purpose: "One is not slow to recognize that this dove was a true butcher bird, and that in place of bearing an olive branch, it held in its beak a fire brand which it caused thoughtlessly and perhaps maliciously to discard in the ark at the great risk of putting it afire and of burning it when the flame had not been put out." He felt that the Quotidienne was as aware as everyone else that the ministers had little regard "for the new institutions that France had come to receive." The policy of the ministers was "to destroy the guarantees that the new charter gave to the nation, to undo the revolution piece by piece, to reconstitute on its debris the gothic edifice of the old monarchy, and to re-establish insensibly the things in effect where they were found at I know not what epoch." ⁶⁰

The Quotidienne dug into the history of the revolution for ammunition to slander the principles it opposed, and Dunoyer noted that "it had recalled the abhorred names of the Marats and the Robespierres, and it has had the impudence to associate the opinions of men who have devoted themselves generously to the defense of our laws, to that of those stupid and atrocious men." It described all the horrors of the revolution for which the highest principles had been a pretext and pretended "to fear that the doctrines of the defenders of the constitution which has its source in the same character will be carried away one day by the same excesses." Dunoyer said that they called forth the crimes due to misinterpretation of the laws as a reason to violate the laws in the future. ⁶¹

60. Censeur II, 212-15.

61. Ibid., pp. 216-17.

Dunoyer believed that the "ideas of independence and liberty which had caused the revolution and which the revolution had not a little contributed to propagate and to strengthen, despite the horrible abuse of it that had been made" had been the major obstacle to the enslavement of the French by Napoleon. "Bonaparte, as soon as he had been made Consul, announced that the revolution was completed. It was difficult to begin with a more vain and ridiculous act, and one had already been able to recognize, in this first stroke, the man who since then proclaimed such arrogant extravagances." Dunoyer held that Bonaparte had concentrated on undermining the "ideas of independence and liberty which had caused the revolution" especially by discrediting the writings of the eighteenth century philosophers from whom the French had learned them. The newspaper editors, in Dunoyer's analysis, were a major force in this activity, and the editors "who sing today so gallantly of the return of legitimate princes, leagued themselves with ardor then to found the empire of the usurper on the ruins of liberty and of public morality."⁶²

Dunoyer accused the Journal des Débats of playing the strongest role in the "war of extermination during a dozen years against the philosophes, and especially against Voltaire." The fall of the empire caused the Journal des Débats to give a respite to its assault, but Dunoyer noted that the campaign was in the process of being revived which caused him to believe that its financial status would not long be desperate. The Journal des Débats, with the largest circulation during the Restoration, was published by the Bertin brothers, and was a regular recipient of government monies. Concerning its war on the philosophes, Dunoyer said:

62. Ibid., pp. 226-28.

One knows what always has been the tactic of the Journal des Débats, in its war against the philosophes. The editors of this newspaper have made immense efforts of spirit to change the course of our ideas, to end our taste for the books of philosophy and of serious studies, and to carry all our literary affections to works of pure enjoyment. It has established a sort of battle between the century of beaux arts and that of philosophy and it has declared itself the champion of the first against the second, giving to writers of the reign of Louis XIV a noisy preference to those of the following reigns; wishing to prove, in some way, the excellence of their principles by the purity of their taste and the perfection of their style; putting such an orator, or such a poet of the century of Louis XIV much above all the philosophers of the eighteenth century, and appearing to make much of a case for a verse of Racine or a phrase of Bossuet, than of the entire Encyclopedie.⁶³

The Journal de Paris was found to be removed from the excesses into which the other papers had fallen. It was sober and did not undertake diatribes against the imperial government, attacks on Jacobins, or praise for Chouans and Vendéans. It did not view the émigrés as the perfect Frenchmen or the participants in the revolution as brigands. "They had not at all found that one had a striking resemblance to Danton, Marat or Robespierre, because one dared to defend the laws of this country. They had not proclaimed the institutions of the thirteenth century as the nec plus ultra of human wisdom."⁶⁴

The Journal Général de France, which followed the political thought of Royer-Collard, Guizot and the Doctrinaires, was found by Dunoyer to have sincerely constitutional principles. It had changed from a mixture of articles and the role of comedian to a more serious treatment of material. According to Dunoyer, it gave little esteem to émigrés and it considered it possible for a gentleman not to be dishonored by remaining faithful to his country and even by defending it in the ranks of the republican

63. Ibid., pp. 227-30.

64. Ibid., pp. 239-40.

army. Equally he was impressed by the editors severity toward the office-holders who had made the transition from the imperial to the Restoration regime under the motto "that one is unable to betray an usurper, one can only abandon him." Dunoyer shared their belief that treason even if it served a good cause was not a proof of fidelity to country. In Dunoyer's opinion the Journal Général de France carried material that was more energetic in criticism of the government and the royalists than the Censeur dared to publish. But, some of the articles reflected the influence of the ministry, especially the praise for the most recent pamphlet of Chateaubriand. Dunoyer wondered that the absence of good faith in Chateaubriand's claim of constitutionalism was not recognized. Chateaubriand, he felt, made much ado over objections that were not important, and he glided over objections to which it would have been very important that he responded. Dunoyer insisted that the constitutionnels had made several observations over the manner in which the Charte had been octroyée. But, he was sure that Chateaubriand knew that the friends of the constitution did not plead that "it was not liberal enough." Rather, they desired that it be observed with fidelity. Dunoyer wondered why in the Journal Général de France Chateaubriand was not criticized for not responding to that issue. Dunoyer felt that the failure to criticize Chateaubriand in that regard was as revealing of the ministry's intentions as the writings of Chateaubriand themselves were ministerial. Chateaubriand was criticized there only for having devoted the early chapters of his brochure to a refutation of Carnot whose writings were viewed in the Journal Général de France as an apology for regicide. Dunoyer insisted in response that "M. Carnot had not wished to make an apology for regicide."⁶⁵

65. Censeur, III, 227-36.

Dunoyer's opposition to the king's issuing the Charte by personal decree in place of accepting the constitution written by the senate was paralleled by his opposition to the ministry's use of ordinances in place of legislation passed by the chambers. The law relative to freedom of the press, he noted, confirmed the ordinance of June 10 which had re-established the censorship. He felt that the ministry's attitude was to issue ordinances and if they raised opposition, then to have the chambers transform them into laws and legitimize arbitrary acts. The laws made by the ministry had very few amendments by the chambers causing Dunoyer to wonder whether the chambers had very sweet dispositions or the ministers had extreme wisdom. He explained that the chambers were divided into two parts. One discussed and deliberated from various points of view, and opposed the ministry. The other decided in the same way repeatedly and in obedience to the ministry. He found no evidence of real debate among the deputies as the opposition speakers rarely received an answer from the ministerial deputies. This was very disturbing to Dunoyer since he considered representative institutions, and the representatives, to be the major part of the new constitutional system which was to preserve France from the despotism which he felt had been dominant in France during most of the quarter century of the French Revolution. The attacks on the Charte, on freedom of the press and representative government struck at the means by which public opinion exercised its political dominance.

MORAL EDUCATION AND THE CREATION OF PUBLIC SPIRIT AMONG THE FRENCH

At the beginning of the Restoration Charles Dunoyer sought the role of philosophic critic which had earlier been that of his mentor, Destutt de Tracy. Under the Directory in 1798 Destutt de Tracy had written Quels sont les moyens de fonder le morale d'un peuple? Late writings of Destutt de Tracy related to this topic were : Commentaire sur l'Esprit des lois de Montesquieu, and Essai sur le génie et les ouvrages de Montesquieu, both written during the empire. On the model of these writings of Destutt de Tracy, Dunoyer's essays in the first volume of the Censeur expressed concern for the absence of morality and of national spirit among the French nation, the reasons for this absence, and some ideas suitable to remedying that situation. Like the philosophes he emphasized the differences in attitudes and ideology between the ancients and the moderns. The themes of morality, national spirit, civilization and social organization were examined by contrasting the classical Greeks and Romans with the "Gothic" peoples of post-Roman, modern Europe. The history of the French was analyzed in order to understand the spirit of the contemporary French. For the present and future, education in its broadest sense was viewed as the source of the morality and of the national spirit which would make possible the society Dunoyer thought desirable. Although only initially developed in these essays, Dunoyer's analysis that political organization were the superstructures of more fundamental social relations - here morality, later he would add an economic aspect - is clearly evident.

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The contrast between the spirit of the ancient peoples and the spirit of modern peoples was derived by Dunoyer from the writings of Benjamin Constant. Constant's primary influence on Dunoyer, in the Censeur and then in the Censeur Européen, was through Constant's De l'esprit de conquête de de l'usurpation dans leurs rapports avec la civilisation européenne, the third edition of which was published with widespread success in Paris on April 22, 1914. In the context of the origin of this work during the crisis of the Napoleonic empire in late 1813 in the face of the coalition of nationalist movements, Constant explained the resistance to and defeat of Napoleon to the spirit of modern peoples, a spirit characterized by commerce and industry which required peace. The spirit of conquest had characterized ancient peoples, and Napoleon's attempt at conquest and European dominion reflected the revival of the spirit of the Romans. Constant identified the victory of the modern spirit, exemplified by the European peoples' resistance and success against Napoleon's spirit of conquest, as a necessary result of the development of the spirit of industry and peace among the moderns since the eleventh century. Constant's implication that the modern spirit had become the dominant one among European peoples since the middle ages would become a major issue in debates between Dunoyer and Constant which would span the Restoration. Dunoyer believed that history did not show that the spirit of industry and peace had become dominant in Europe, but that it was possible that the spirit of industry and peace was in the process of emergence in their time due to the self-identification among each of the European peoples of a new nation characterized by the spirit of industry and peace.

The concept that a new nation dominated by ideas opposite to those of their fathers and forefathers had appeared was suggested in a pamphlet which Dunoyer discussed in his essay, "De l'esprit des jeunes gens en France au dix-neuvième siècle."¹ He quoted a passage which described the youth of France as a new nation:

As to the men who have been formed in the midst of our dissensions and of our enslavement, they compose in some way a new nation, of which the ideas, the habits, the interests have lately no relation with the habits and the ideas of their older fellow citizens.²

Since Dunoyer believed the press essential in the modern period for the education of public opinion and the creation of a national spirit, he was outraged at the proposal for press censorship.

1. Censeur I, No. 4, 141-45. In the weekly first volume of the Censeur the theme of morality and national spirit was presented in a number of articles; a series would begin and be left uncompleted under one title but be resumed under another title; and an article might be signed with Dunoyer's name or initials, or initials attributed to him, or be unsigned. Censeur, II, 39-57 reprinted William Cobbett's "Adresse à sa majesté Louis XVIII," in which Cobbett noted that the revolution had not been a high price to pay for the total transformation among the French from slaves to free men which gained them the respect and fear of England. Louis XVIII was warned not to reject a liberal system of government or he would add uselessly new evils to past disasters. "It is in effect a new nation which he goes to govern," and Cobbett added that the French nation was a new people "whose spirit is disposed to accept a state of things most active and most liberal." Also, Cobbett provided a foreigner's view of the state of the French economy a quarter century after the Revolution - a view which reinforced in Dunoyer's thinking the concept of Constant of the relationship of a new people and economic progress: "The nation is enlightened, agriculture and the arts flourish there; it does not have as we [England] an enormous debt, which plunges the state into embarrassment and confusion; the bank pays its bills in specie; no exclusive privilege strangles industry; the soil and the climate are the most beautiful in the universe. This realm is disengaged from the inextricable embarrassment in which its finances existed in 1789; its money is received without discount in all the markets of the world; its numerous and useful manufactures are active...." Censeur, II, 48, 55, 42-44.
2. Censeur, I, No. 4, 143.

Because the author of the anonymous pamphlet from which Dunoyer had quoted regarding the new nation of youth showed deep understanding of events, he criticized that author as notorious in falsity and bad faith for advocating provisional suspension of freedom of the press. The anonymous pamphlet, De la liberté de la presse et des lois répressives, was distributed to all deputies, and Dunoyer felt that since the deputies were aware of the source of it they would refute in the debates. He commented that the pamphlet's author would be pleased if French youth would docilily learn the lessons he will give them in the Annales de l'éducation, the editor of which was Guizot. As Guizot was the secretary-general of the ministry of the interior and the author of the proposed press law, he was likely the author that Dunoyer was combatting.

They anonymous pamphlet's attack on the rise of a new nation among the French youth was the center of concern in the Censeur. The pamphlet's author was criticized for adopting the "maxim and usage of the governmors" that men possess every vice, and for asserting without proof that men are ambitious, ignorant and stupid. From this, men are supposed to allow themselves to be enslaved. "And by whom does he wish them to be ruled? By government officials, all exempt from vices which have infected youth; all full of modesty, of isinterest, of probity, of sincerity, of learning, and chiefly lacking in ambition."³

In defense of the new nation of youth against the pamphlet's charges, Dunoyer's response was to question whether it was the youth of the Restoration who were responsible for the political decisions made in France for the previous quarter century. Were the youth

3. Censeur, I, No. 4, 143.

responsible for causing the countries of Europe to be at war with France after 1791, or the civil war and revolutionary crimes of the period? In a blistering attack on the political leaders of France during that quarter century, it was asked if it was the new nation of youth

who successively overthrew all the governments which were established; who, after having sworn an eternal hatred of kings and of royalty, sold France to a tyrant, and became the most zealous apostles of despotism; who invented conscription and trafficked in the blood of their children for a decade; who betrayed the tyrant they had established, when they realized that soon he would not be able to pay them any more; and who after having despoiled their country, ended by selling to the Russians and the English.⁴

In contrast to these officials, youth, attending the law school in Paris, attacked the imperial government before the eyes of the officials, while medical students chased away imperial officials who sought to wrest students from their studies to become government agents. The new nation of youth, thus, showed their ambition by never seeking privileges and offices from the governors. They showed their ignorance and scorn for learning by their never respecting the returned feudal lords, who were "as every one knows, the friends and protectors of their fathers," and "of whom the Russians have made us a present."⁵

The new nation of youth in France possessed a critical attitude which had the potential of developing a spirit based on morality. A spirit based on morality appeared to Dunoyer to be very different from the spirit which traditionally had dominated in France, and he sought sources in antiquity as a contrast to that traditional spirit that had dominated in France. The dominant spirit among the ancients was patriotism

4. Ibid., pp. 143-44.

5. Ibid., pp. 144-45.

which entered into individual action and even extended to the institutions. "The love of country, on the contrary, forms only a newly imperceptible trait in the moral physiognomy of the moderns. They are held to the state only at a very great distance, and by an extremely weak thread."⁶ Modern Europeans concentrated on their personal interests and their individual activities. Their private needs, interests and sentiments were the foundation upon which they were united in social relationships. Their non-private or public activity was intense only within a "community of affection" composed of a small number of persons. Thus, modern man, in contrast to the ancients' common attachment to their polity, maintained an isolation from the state, and either kept to himself or with the individuals with whom he had a "community of affection.:

The ancients' direct participation in the institutions in which they associated differentiated them from the moderns. The immediate exercise of their political rights became "their most habitual occupation and their most lively pleasure."⁷ In the modern period government denied that sovereignty resided in the people:

the government made the most sustained and the best concerted efforts to prevent the people from taking supreme power to themselves or of dividing the exercise of it with them; they called them their subjects, and they are often treated as their slaves.⁸

However, in modern societies men were permitted to follow their tendencies in a variety of apparently conflicting directions so long as they accepted one limitation on their nature - obedience to the state. To maintain that obedience, Dunoyer observed, governments forbade education and enlightenment in the rights of the person, and encouraged prejudices to hold them in ignorance

6. "De l'esprit public en France et particulièrement de l'esprit des fonctionnaires publics," Censeur, I, No. 4, 156-71.

7. Ibid., p. 152.

of their rights. Governments especially protected "vain sciences" and "frivolous arts."⁹ They sought to corrupt men's spirits and weaken their courage. They created handsome, easy, charming men, enslaved in the externals of civilization whose arid spirits lacked self-directed and generous thoughts, and who sacrificed principle to satisfaction. Concentration upon the forms of civilization rather than on principle was something which Dunoyer felt was particularly strong among the French due to the aims of the education which had existed in France.

Dunoyer considered modern peoples much more advanced in the forms and in the essentials of civilization than the ancients were. But, since the ancients were much more regulated than the moderns, he believed that the progress of civilization was not based upon regulation. But, he knew this truth was too simple not to be contested "by the crowd of political office-holders." The governors insisted that modern man's ancestors for fifteen hundred years enjoyed through regulations the happiness produced by the "immense multitude of poets, novelists, geometers, comedians, great lords, vices and mendicants."¹⁰ Since the people were defined as pleased with the effects of regulations under the Old Regime, the governors under the Restoration could not understand the people's lack of speed to recover those regulations.

In one of the earliest examples of the political uses of history during the Restoration Dunoyer presented the liberal comparative criminology, as Stanley Mellon has described it, "fourteen centuries of crime."¹¹ Dunoyer ironically listed the crusades, the League, Saint-Bartholomew's day, the dragonnades, the lettres de cachet, the tortures, the judicial system, the mendicant orders as among the regulations which must have caused so much happiness in the centuries preceding the French Revolution.

9. Ibid., pp. 158-60.

The co-development of belles lettres and oppressions, vices and exploitations was viewed as the desired result of the educational system. Thus, he criticized the "eternal advocates of our gothic usages" who became angry with the minor changes in the educational system made during the Revolution. He questioned the belief of some "gothic advocates" that good citizens were solely the products of the Jesuits' educational system. There was the suggestion that notwithstanding the objection of lack of seriousness that Dunoyer preferred, in certain respects the education given by uncivilized people to their children to the education proposed by the preachers of the gothic. In this matter, Dunoyer's views paralleled those of Benjamin Constant who leaned more decisively toward the uncivilized people's education.

As proof of seriousness, a discussion of the objectives of education was presented indicating the superiority of the models of the ancient world. For Dunoyer, the aim of social institutions was the joint interests of the associates, and their achievement of them would result when morality and law formed the basis of education. In response to the charge that an education based on morality and law would cause the collèges each year to graduate young moralists who would censor the vices and faults of their elders, he suggested that conditions are very unsatisfactory where the teaching of love of virtue to children becomes simultaneously the teaching of mistrust of their fathers. He added:

10. "D'un moyens de donner de la stabilité à nos institutions, ou l'étude des lois et de la morale," Censeur, I, No. 7, 273-304.
11. Stanley Mellon, The Political Uses of History, A study of historians in the French Restoration, Stanford, California, Stanford University Press, 1958, especially pp. 26-28, 78-79; Mellon did not examine the Censeur or the Censeur Européen (although he mentions the latter) and his examples, except for Carnot's writings, are from subsequent years of the Restoration.
12. Censeur, I, No. 7, 273-74; on the Restoration controversy over the Jesuits, Mellon, op. cit., pp. 128-49.

I do not persist less to believe that it is more valuable to teach men the laws which ought to guide their conduct than those which regulate the route of the planets; and that the knowledge of the physical constitution of the world contributes much less to their happiness than that of the constitution of the state under which they live.¹³

Dunoyer contrasted the modern, "gothic system of our education," which did not teach morality or law, with the ancient system which instilled a sense of virtue. Moses, Lycurgus and Numa were models for those seeking to eliminate the vices which resulted from modern education. By uniting morality, law and religion, and basing childrens' education upon them, they gave the greatest strength to their institutions. This contrasted with Mahomet the inconsistency of whose commandments caused the consolidation of despotism. Lycurgus based Spartan laws on religion and education. Vice was removed by teaching the Spartans to find happiness in moderation and virtue. Lycurgus' laws contained the simplicity of nature and retained their primitive strength by their unamendability and by education which inspired reverence for them. Numa did not attempt to create a legal system but sought to prepare the Romans to govern themselves. His establishment of temples to good faith and to boundaries contributed to the Romans' respect for their engagements and the property rights of others. Once children could be educated in morality, public opinion would serve as the source of law. Dunoyer was impressed that in antiquity citizens shared a common viewpoint as a result of learning morality and law in their youth. Institutions in conformity to the moral ideas formed in youth were not threatened with overthrow.¹⁴

Dunoyer noted that the Jews in Egypt had as slaves acquired the superstitions of their masters - pride, sloth, servility, ignorance and obstancy: "it was easier to destroy them than to civilize them." Although Moses would have had less opposition

13. Censeur, I, No. 7, 274-75.

14. Ibid., p. 275-80.

had he admitted material gods, he turned toward reason and instructed the Jews concerning an immaterial god, "and he gave them the most sublime idea that men had been capable of concerning him." Moses' laws were drawn from morality derived from God which eliminated distinctions between religion, morality and institutions based on them.

Also, the law which ordered the Hebrews to adore God alone, the law which ordered them to treat strangers who found themselves among them with good will, and the law which ordered them to free the slaves of their nation after six years' service, were equally the work of God.¹⁵

Jewish separateness through religious practices and the promise of a Messiah provided the basis for the survival of the Jews.

He promised the Jews a liberator, to sustain their courage in adversity or in servitude; he desired their children learn the laws when they learned to read, and it was by this means that he was able to create an indestructable people. One appears surprised that the Greeks and Romans have disappeared and that the Jews still exist; but, with such institutions, and after the establishment of the Christian religion, founded on the books of Moses, it would be more astonishing that they had ceased to exist.¹⁶

Since the modern world benefited from a "more pure and more holy religion," Dunoyer sought the cause for the division between religion, morality and law. He believed that the division was due to the circumstances under which Christianity progressed as well as to Greek philosophy. Plato, inspired by a desire to systematize and by a reaction to the obvious vice of government, sought justice separated from the laws, because the laws were established by the power of the governors in their own interest, Dunoyer pointed out that if justice was defined as "the conformity of our action to law" it is the same as saying "the conformity of our action to the interest or to the will of the stronger." Since such governmental 'justice' would be vicious, Plato defined justice as "what is useful to all" and used that as the basis for the Republic.¹⁷

15. Ibid., p. 277.

16. Ibid., p. 278.

17. Ibid., pp. 280-81. Dunoyer's footnote refers to Plato's Republic and to Cicero's De Legibus.

Dunoyer did not find Plato's definition useful because it could be used by the governors to by-pass limitations which were placed on them by guarantees under the excuse that they were seeking what was useful to all. By that means, society could be subjected to the greatest of disorders, namely despotic government. That was the result when the Sophists reduced human reason to universal skepticism. Civil wars demoralized the Hellenistic world when honors and wealth became the prize of violence. Imperial despotism was the conclusion. Under those conditions where law and force were synonymous, Jesus established Christianity. If morality and law were to be united, Jesus would have had to follow the example of Moses or of Lycurgus - seize control of the government or convert the Emperor Tiberius, and declare obedience to the ruler to be an obligation. The first was impossible because religion cannot be established by force and the people were too corrupt to accept good laws. The second was not possible because the people would not abandon their customary religion for one which also justified the crimes of the governors. Religion and morality could not be reconciled with the laws, and Christian faith and morals had to "live entirely as strangers to laws and to government." Jesus, it was noted, took care to indicate that he did not come among men to establish government. Christian morality resembling Platonic philosophy, Christian doctors assimilated Greek philosophy to Christian morality. ¹⁸

An "eternal obstacle" was established between religion and morality, and the laws by the persecutions which the Christians suffered at the hands of the governors. The precedent was established that disobedience to law was an absolute good. The

18. Ibid., pp. 281-84. Dunoyer drew on Saint Augustine's Civitate Dei and Bayle's article on Aristotle in the Dictionnaire historique et critique.

obstacle might have been eliminated if reforms had been introduced when Constantine granted toleration of Christianity. But, reforms required limitation on the powers of government through strict adherence to a constitution for which there was not sufficient virtue. Reform through a new constitution placing limitations on the governors and requiring talent and virtue in the ruler clearly referred to the politics of Restoration France. referring to Montesquieu's Esprit des lois (liv. 28, ch. 41), Dunoyer added, that the Church, following the Barbarian Invasions, founded its role in society independent of the rulers, ¹⁹ (Montesquieu's Esprit des lois (liv. 28, ch. 41) is the reference).¹⁹

During the fourteen centuries since the Barbarian Invasions, Dunoyer believed that the French people were subjected to special efforts to corrupt and enslave them. The government, religion, customs and prejudices of the French during those fourteen centuries assured that they would not develop a public spirit. Although in their origins the Franks had formed a national entity, their settlement among the Gauls loosened and ruptured their unifying bonds, but their settlement did not unite them with the vanquished Gauls. Divided from and united to the Gauls by a great variety of separating and coalescing forces, the Franks were neither united into a single nation with the Gauls nor did they remain a single nation among themselves. The Franks' national spirit having been weakened by their conquest of the Gauls, it was effaced by their spreading among the Gauls in several provinces instead of remaining together in one country. But, they were unable to acquire a new national character because the Gauls with whom they shared the provinces had been fashioned into slaves during five centuries of domination by the Roman Empire. The Franks lost their "independent

19. Ibid., pp. 284-86.

souls" and acquired the pattern imposed upon the Gauls by the Romans. The leaders usurped completed control of their affairs which formerly each Frank had exercised independently. Personal self-government was replaced by tyranny, and the Franks too were subjected to servitude and acquired the weaknesses of a vanquished people. After the Barbarian conflict with the Romans, society in Gaul remained essentially what it had been: the governors and the governed confronting each other on the basis of an essential antagonism.

The nation found itself divided into two classes, that of the governors and that of the governed; and as their interests are contradictory, a single national spirit became in that way impossible. Soon the diametrically opposite interests were multiplied in the state, and rendered the birth of a public spirit more and more insurmountable.²⁰

Dunoyer's extensive discussion of French history since the conquest of Gaul by the Franks was his explanation of his political viewpoint based on the events he viewed as contributing to the contemporary political situation. During the eighteenth century major debates regarding the nature of French politics were based upon conflicting interpretations of French history. During the revolutionary first republic and the empire there was a wide expansion of historical studies and of the range of materials and points of view. But, during that quarter century, political applications of that historical research and writing was severely limited, when not prohibited. Thus, from the moment the empire ended, the Restoration witnessed an explosion of discussions of French history to explain the wide spectrum of current political positions. However, the summary treatment of French history by Dunoyer in the Censeur is not only an early explanation of Restoration political philosophy based upon history, but it is also an

20. Censeur I, No. 4, 159-61. The cultural and language diversity of France continued during the Restoration and must have been striking to someone from the south as Dunoyer, and Comte. To southerners, the "Francos," were foreigners; to northerners, southerners seemed

important basis of comparison with Dunoyer's re-analysis of French history in Censeur Européen when the germs of new historical, economic and social concepts already present in his thinking became defined and matured.²¹

With the return of the court, nobility and officialdom the question of the origin of political power became central to the historical debate. Dunoyer sought to describe the development of feudalism in France after the conquest of Gaul by the Franks and their subjection to royal tyranny. The kings enriched the magnates for their assistance in enslaving the Gauls and Franks; then they became powerful enough to resist the kings. The clergy made an equal contribution to establishing the kings' control over the people through their claims regarding divine kingship and in return were rewarded with huge estates which made them the equals of the magnates in power and independence. The conflicts between kings, magnates and clergy caused the development of "a new kind of domination which engendered soon new disorders." Magnates, bishops and abbots divided their lands into lordships. The lesser lords exercised a more rigorous tyranny, "since their action is most immediate and since the oppression is placed much nearer to the oppressed;" and "in each of these little despotic states, there existed still two contradictory interests, that of the masters and that of the slaves." The achievement of the governors during the Merovingian period was seen as the perpetuation of the division between rulers and ruled by making privileges, benefices and fiefs usurped by the

21. Jacques Barzun, The French race, theories of its origins and their political implications, New York, Columbia University 1932; Stanley Mellon, The political uses of history, pp. 1-100; Frederick B. Artz, France under the Bourbon Restoration, Cambridge, Mass., Harvard University Press, 1931, pp. 351-62; Bertier de Sauvigny, The Bourbon Restoration, pp. 328-58.

governors hereditary in their families. For Dunoyer, the creation of a privileged caste established the greatest antagonisms "due to the number, the depth and the violence of the conflicting interests."²²

Charlemagne's legislating the division of governors and governed among Frenchmen intensified the obstacles to ending the privileges of the governors. Although judicial power to be concentrated in the royal government, Charlemagne recognized in law the hereditary caste system of the officialdom of the first dynasty. In describing Charlemagne's purpose as aimed at enlightening the people as to their rights and forming their sense of independence; Dunoyer was proposing this as a model for Louis XVIII who should reduce the role of the royalists and reign on the basis of the constitution and of a true national assembly. But, the institutions Charlemagne imposed over such an extensive territory were too heavy for the people to sustain, for slavery had too greatly brutalized them. The collapse of Charlemagne's artificial structure led to a return to disorders and the formation of the feudal system in its most complete form. The elaborate framework of feudalism was viewed as a mask covering the "immense chain of oppression," the conflict which raged between the oppressors and the oppressed.²³

The wars between the feudal magnates was a means by which they imposed a more rigorous yoke on the subjects. The use of war to increase the powers of the governors was a theme of constant importance to Dunoyer. He viewed the modern role of war as the most direct means toward increased power to have a long heritage among governors since the origins of feudalism:

22. Censeur, I, No. 4., 161-62.

23. Ibid., pp. 162-63.

They encroached continually the one upon the others: in a word, the conduct of the small lords then was a complete parody of the conduct of many of the important rulers, who, in all times, have dreamt only to bolster the servitude in the midst of their states, by conducting war outside to aggrandize their power.²⁴

Feudalism divided the population into two classes "equally degraded, the one by the tyranny that it exercised, the other by the yoke that it bore."²⁵ The violence, discord and brigandage operated by the governors over the governed prevented the latter from creating or acting on ideas of morality which would eliminate the governors. The nineteenth century was compared to the Merovingian or Carolingian periods "for the nullity of national spirit." Notwithstanding the appearance of unity, the modern French were more divided between governors and governed than ever before. Violence and civil war lay beneath the surface of Restoration France, and each person was the irreconcilable enemy of all who held special privileges.

The high point in the development of feudalism appeared to Dunoyer to have come under the early Capetians when the state was organized by the protection of feudal privileges. He viewed European peoples as absorbed by the formalities of legal systems which tended "to demoralize their spirits and close them for centuries to all ideas of justice."²⁶ The feudal legal system consecrated class divisions, and he criticized any attempt under the Restoration to re-establish the barbarous customs of the feudal class such as points of honor and duelling. They were an attempt to encourage in social life the "insurmountable barriers," the class privileges, which the governors created for themselves in the political and legal systems. Dunoyer viewed chivalry as connected with the penetration of social life by concepts of privilege. Although he considered chivalry to have "some useful and generous maxims," its rules were "bizarre" and based on

anti-social principles. He attacked the social customs of the nobility as childish, as retarding maturity, as hiding criminal actions behind possses, and as encouraging sentiments "which warped their spirit, which shrunk their souls, which cause them to do a thousand foolishnesses, a thousand absurd extravagances with pomp."²⁷

An examination of the role of religious leaders in retarding the development of a spirit opposed to privilege revealed the impact of the clergys' preaching passive obedience to the people. Basing himself on Montesquieu and on Condillac, Dunoyer examined the conflicts between the words and the deeds of the clergy. As the clergy benefited from the despoiling of the people's goods by the privileged, their participation encouraged these moral wrongs. Their acts and ommisions "had the most wasteful influence on public spirit" because they strengthened "the ignorance of the spirits, the barbarity of customs and the habits of all these crimes."²⁸

Dunoyer held that feudalism in its deepest forms held sway in Europe until the eleventh century. At that time new ideas and new opinions arose which began to challege the system of privileges established by and for the governors. For Dunoyer, a revolution had begun in the spirit of Europe. For many French historians, this revolution represented the nearly uninterrupted rise of the middle class in France, in alliance with royal power against feudal nobility; this revolution culminated in this view in the events of the French Révolution. Dunoyer differed strongly with that view of French history. French history from the twelfth century was not the progressive emergence of the middle class and its values. It was, from Dunoyer's analysis, the constant failure of the new ideas

24. Ibid., p. 164.
 25. Ibid., p. 165.
 26. Ibid., p. 166.
 27. Ibid., pp. 165-68.
 28. Ibid., pp. 165-68.

and new forces which emerged in Europe to gain their independence or to establish their dominance which was central to French history. Instead, they were harnessed to the royal power, served the interests of the bureaucracy, and the middle class' leading members abandoned the new ideas as the price for admission into the class of governors. Thus, he did not see French history as characterized by the increasing dominance of the new ideas by the emergence of the middle class, but by the constant betrayal of those ideas by the leading parts of the middle class and their entry into the ruling class. This analysis was given a clearer, consistent application in Dunoyer's historical writing in the Censeur Européen and gave his ideas a distinction among the writers of the Restoration. But, the presence of that analysis, still not matured, in his historical writing in the Censeur, is significant.²⁹

The contradiction between the revolution in ideas - the concept that justice and privilege were incompatible - which emerged in the eleventh century and the actual growth of government power through which privileged classes were benefited was emphasized. Feudalism was uniquely suitable to enhance royal power, and the late Capetian kings were able to transform the dispersed power of the feudal system in absolute power of the crown. The bureaucracy of the absolutist state which rose in the sixteenth century entrenched the privileges which were the foundation of the conflict between governors and governed. He concluded that it was the principal exploiter of the middle class, the bureaucracy, which benefited from the conflicts engendered by the revolution of new ideas which emerged in the high middle ages.³⁰

29. Ibid., pp. 165, 170.

30. Ibid., pp. 170-71.

Although the movement of events seemed to redound to the benefit of the rulers due to the people's apathy, Dunoyer viewed the revolution in opinions and customs as having had positive effect over the centuries. The absolutist state which developed from Francis I through Louis XIV increased the irreconcilable conflict between governors and governed. Dunoyer's description of the effects of the growing revolution in ideas indicated his reservation regarding the effects of the French Revolution.

There occurred insensibly another revolution in opinions and customs; a revolution of which the terrifying result necessitated, after six centuries, the overthrow of the throne of the posterity of the Capets, to raise this third estate so long oppressed under the magnates and the king, and to invest it in its turn with sovereign power; the revolution began in the name of the country and of the public good, and had results perhaps as wasteful as the preceding to customs and to patriotism.³¹

The institutions by which the third estate developed historically were conducive to the maintenance of their subjection rather than the emergence of a self-determined citizenry. The purchase of communal charters increased royal power. Although the royal power's strengthening by the absorption of the nobles' power made the pressure and barbarity of serfdom less strong, the freeing of only the less servile part of the governed did not achieve a lessening of privileges, but rather their extension. The crown's policy was to create ever deeper divisions between Frenchmen to maintain their subjugation. Louis-le-Gros' arming of the communal movement against the nobles and Philippe Augustus' elevation of lower nobility to higher nobility culminated in the calling of the estates-general by Philip the Fair. Dunoyer believed that the estates-general were convoked in order better to divide the mutually antagonistic clergy, nobility and commons, and then to use the divisions as an excuse not to accept the demands of the estates-general. The privileges which were granted

31. Ibid., p. 171.

each estate intensified their opposing interests thereby increasing constantly the powers of the royal government's officialdom. The representative bodies became traditional instruments, in Dunoyer's perspective, in the development of the government's power. Rather than the increase in royal power removing the obstacles to progress and the elimination of privilege, it invented more privileges and encouraged deeper contradictions between the governors and the governed, the latter of whom were in Dunoyer's view still inspired by the spirit of servitude.³²

The power of government increased as it constantly monopolized functions - the coining of money, the recruiting and maintenance of armies, the making of peace and war, and control over the church. From the reign of Philip the Fair, the royal government engrossed the legitimate and illegitimate powers of the church by favoring the bishops over the popes and popes over bishops, and ended with the entire power of the church in the hands of the government. Dunoyer noted that the government advantageously used events which superficially appeared to limit its power. The "harsh and capricious administration of the early Valois" called forth violent counter measures and incited a civil war which ended only in the further increase of government power. Notwithstanding the efforts made by the people to recover their rights at that time, he found that the "resistance to oppression was not less destructive to liberty than submission to absolute government."³³ Popular support for the struggle against the nobles increased royal power without diminishing the privileges of the nobility, with the result that the people suffered a net loss of their rights. The nobles entered into the royal service

32. "De l'esprit public en France et particulièrement de l'esprit des fonctionnaires publics," Censeur, I, No. 6, 217-29.

33. Ibid., pp. 218-22.

in order to enjoy the privileges and exercise power which was not available to them when they rivaled royal authority. The clergy deserted the cause of the people and joined the conspiracy of the king and nobles to increase the authority of the government "from which alone henceforth they were able to attain honors and wealth."³⁴

Dunoyer found in the parlements a source of opposition to the conspiracy of the privileged class to increase the power of government. Dunoyer noted how the parlement, although originally a simple court, took advantage of the royal custom of holding before it the lits de justice, of the popularity it achieved in judging appeals against the arbitrary acts of authority, and "particularly of the habit assumed by the ministers of publishing their ordinances in the midst of parlement, and of transcribing them on its registers to give them more authority,"^{It} succeeded in claiming the right to review all laws and to require them to receive its approval through registration without which they could not possess any force. In this way, he concluded, the parlement was viewed as a participant in the legislative power. But, the royal power again was the beneficiary because the parlement did not become the leader of the people but sacrificed the people's interest to its own ambitions to govern. The class of the governed "found itself more surely oppressed than ever, and each day further from having a public spirit."³⁵

Reviewing the aggrandizement of power by the royal governments, Dunoyer blamed Francis I's dominance over the parlement, magnates, hierarchy and French church for introducing and then persecuting Lutheranism and superseding the existing antagonistic division of France by one based upon religion. Religion alone, in his opinion,

34. Ibid., p. 222.

35. Ibid., pp. 222-23.

seemed to raise people from their lethargy. Although some persons calmly perceived the course of events and "dared to mediate a reconciliation between the Catholics and the Protestant reformers and to attempt to make their bloody quarrels serve the establishment of liberty and of public happiness," they were unsuccessful in overcoming fears and suspicions. Dunoyer saw the parallel between the politiques attempting to found constitutional government and to introduce liberty in the ideological conflict over religion and the constitutional liberals, including Dunoyer and Comte, who sought the same objective in the face of the conflict between the royalists and the imperialists in Restoration France. A warning on the future of the Restoration could be drawn from the past; Dunoyer emphasized: "The nation emerged from its pious frenzy only to return, under Henry IV, to the languors of servitude."³⁶

According to Dunoyer's analysis Henry IV took advantage of the divisions among the liguers to gain the throne by becoming a Catholic and of the rivalries between the magnates by becoming the protector of their privileges. The edict of Nantes ended the civil war, but it maintained sufficient disquiet and discontent for both groups to cause them each to depend upon the government. All the sources of conflict and disorder which arose in society since the founding of the government by the Franks, seemed to Dunoyer to continue to develop under Henry IV. Added to antagonism between classes were rivalries between nobles, parlement's ambitions, religious hatreds. But, primary was the disposition to servitude among the French people which was capable only of aimless outbursts of violence.³⁷

36. Ibid., pp. 225-27.

37. Ibid., pp. 227-28.

Richelieu, in Dunoyer's opinion, channeled the potential for civil war in the inherent conflicts into increased government power. Richelieu did not calm Calvinist fears, but destroyed their means of defense. He controlled parlement such that it dared unsuccessfully to establish its position only under the minority rule of Louis XIV. He concluded that the arbitrary rule of Louis XIV was only a continuation of that of Richelieu. The strong chains forged by the government of Louis XIV further corrupted the French people: "the national lost under that prince every idea of independence, and the will of the monarch became for it the supreme law."³⁸

This situation, in Dunoyer's view, consolidated the dominance of wars of conquest and the balance of power in European politics. Absolutist government received its fullest development as a result of the central role of war and defense. At the end of the fifteenth century, "a totally new direction" occurred in European affairs as a result of the invasion of Italy by Charles VIII. This had led to the strengthening of the major powers, France, Spain and Austria, and finally, the great wars which began under Louis XIV. Dunoyer quoted Jacques-Guillaume Thouret (1746-94) concerning the devastating effect on Europe of two centuries' domination of the concepts of defense and aggression. The system of warfare and national rivalry gave rise to a public spirit in France "so false in direction, it reinforced our chains so much more:" Dunoyer concluded that it would have been preferable if the habitual apathy had continued. Absolutism created artificial satisfactions which distracted the attention of the people from their own subjection. Concepts of military capacity and glory were extended from the middle ages into the modern period by diffusing them from the knightly class and instilling them into the groups rising in society. Rather than opposing

38. Ibid., pp. 228-29.

the authority of the government which exploited them, the people accepted the exploitation in order to participate in the satisfactions and rewards of war and foreign domination. For the people, this situation "disposed them to obedience to government" which made them "always less capable of patriotism."³⁹ Dunoyer believed that true patriotism and support for war were incompatible.

war putting at the disposal of our kings numerous armies composed of men accustomed to the most blind obedience, placed in their hands a terrible instrument which was able to serve them to master France to their will. The spirit of war and of conquest offered then to our princes two means equally powerful to render their authority absolute. Also aiming all their attention at maintaining authority, they placed military virtue above all virtues; they expended on them the most brilliant lustre; they make the nation triumph abroad in order to subjugate it more easily within.⁴⁰

At that time, Dunoyer did not directly confront the issue of the state of public spirit as a result of the French Revolution. However, the Censeur did publish an extract from Lazare Carnot's Mémoire au roi, which had been published secretly in 1814. Carnot's "Considérations sur les moyens de faire maître l'esprit national en France"⁴¹ considered the theme that ancient peoples had national spirit, but it was only in the process of development among modern peoples. For Carnot, a national spirit which would perfect relations between individuals could develop only where the power of government was limited. Carnot felt England had achieved the greatest development of national spirit, and noted that private wealth was placed in public investment, uniting the majority to the government and keeping the opposition weak. In France, national spirit was seen as less developed because everyone invested in their own property rather than in public investment. Thus, to Carnot, while the French possessed a "passion for liberty," the English had a "passion for conquests." England's national spirit found its expression in commerce

39. Ibid., pp. 224-25; Thouret had been president of the constituent assembly.

40. Ibid., p. 225.

41. Censeur, I, No. 11, 507-19.

and maritime speculation. France profited from its own natural resources, and its facility of internal communication. This, Carnot felt, could be the basis for a national spirit. He added:

The French are not more inconsistent than the inhabitants of other countries, and the revolution has proved that they are susceptible to a great consistency and a great tenacity in their enterprises, when they have before their eyes a worthy object of their attention.⁴²

The Memoires sur Carnot note that Carnot contributed several serious articles to the Censeur. In addition to the essay which appeared in the eleventh number of the first volume of the Censeur, it specifically described Carnot's article in response to Chateaubriand's pamphlet criticizing his own Mémoire au roi.⁴³ For his pamphlet, Chateaubriand received special commendation from Louis XVIII. The major critique of the Restoration government by way of discussion in the second volume of the Censeur of Carnot's Mémoire au roi is doubtless Carnot's own answer to Chateaubriand. Carnot observed that the state in human society was only a perpetual conflict between those desirous of domination and those who sought to resist domination. He wondered at the idea that the writings of the philosophes caused the French Revolution; he believed that it was the plight of the government and the squandering of the nation's money which led to the estates-general, "the Convention, the Directory, Bonaparte, the Cossacks and the English." A bloodless revolution was possible when the privileged did not seek to protect their privileges, but the attempt of the privileged to defend their privileges made the French Revolution necessary, and the consequences that followed, especially the actions of the Convention, could neither be blamed nor approved.⁴⁴

42. Ibid., p. 514. Part of this selection from Carnot's Mémoire au roi was republished as an example of national pride in the face of France's defeat in 1814 in H. F. Stewart and Paul Desjardins, French patriotism in the nineteenth century (1814-1833), Cambridge at the University Press, 1923, pp. 155-59.

43. Censeur, II, 115-44. Over sixty thousand copies of Carnot's work were distributed. "It was in fact a violent and audacious indictment of all that the Restoration had done." Bertier de Sauvigny,

Dunoyer, writing in the "Bulletin" of the second volume of the Censeur, suggested that the outbursts and threats which the ministerial press unleashed against Carnot's Mémoire au roi were intended to make the government seem obliged to quiet it only by strong punishment against those who printed and distributed it. One ministerial spokesman had called explicitly for the trial and "enlightened justice" for distributors of such a libel. Dunoyer noted parenthetically that the word libel was attributed to "every political writing today, in which the author does not preach despotism." After examining the work the courts released all the defendants. But, the ministers were not satisfied with that loud display and arrested a M. Garros who was neither a printer nor a publisher. Dunoyer commented:

His arrest, ordered by a maître de requêtes sans qualité, had been moved on the ground that he had distributed the libels injurious to the royal majesty. There does not exist in our laws any unqualified crime; it appears that the author of the arrest had taken the idea of it from the first five books of the Annales of Tacitus.⁴⁵

Garros was not presented with a court order according to Dunoyer probably because it was impossible to indicate an article of the code to cover the crime. However, since arbitrary arrest was permitted, Dunoyer felt that the accusation and the citation of the penal code could be selected by chance. But, "perhaps the agents of authority do not know of the existence of the penal code." Dunoyer suggested that arbitrary arrests would continue because they served a useful purpose: "they inspire in timid people that sentiment which Montesquieu called the resort of despotic governments."⁴⁶

44. Hippolyte Carnot, Mémoires sur Carnot, Paris, 1831-33, II, 384-90; Lazare Carnot, Mémoire adressé au roi en juillet 1814, Bruxelles, Chez tous les librairies, 1814; Censeur, II, 129-32.

45. Censeur, II, 363-64.

46. Ibid., p. 365.

Dunoyer's defenses of Carnot during the First Restoration associated Dunoyer with the initiating of the liberal's use of history to defend the French Revolution against conservatives. In the Mémoire au roi, "Carnot pitches his defense on the lines that the Restoration historian is to adopt - the totality of the Revolution and the consequent impossibility of judgment. Again: "The French Revolution was a combination of heroism and cruelty. But all families which remained in France were obliged to take a more or less active part in that revolution....All have made sacrifices...."⁴⁷ Carnot presented "the defense which the Liberal Restoration is to adopt as official:" the dissociation of the liberals, the constitutional moderates, from the crimes and the criminals of the French Revolution, the centering on the constitutional and liberal achievements of the Revolution, and the defense of the revolutionary achievements and the nation against foreign invasions. The defense of Carnot is significant: "If he can be defended, the Revolution that fathered him has taken a giant step toward its vindication. The challenge is recognized; Carnot's two works drew an avalanche of replies, including Chateaubriand's famous Reflexions politiques of December 1814."⁴⁸

The events surrounding the publication of Carnot's Mémoires au roi received detailed attention in the fifth volume of the Censeur, in which was reprinted the lengthy "Notice historique sur M. Carnot" from the Edinburgh Review, November, 1814. Since Carnot had been the object of attack and insult by ministerial journalists when this essay was published abroad, Dunoyer and Comte added this note:

⁴⁷. Mellon, The political uses of history, pp. 39, 20, 66-67, 78.

⁴⁸. Ibid., pp. 39-40.

The persecutions exercised against M. Carnot in these recent times, bear a character much more odious, as it is known to the whole world, that at the time he held power, he rendered service to many of those who are now the most violently risen against him; that in the committee of public safety, he had saved the lives of an infinite number of persons; and that during the directory, he believed that the laws against emigres ought to be interpreted in the manner most favorable in regard to all those who had not carried arms against their country; that was one of the principle motives of his proscription, on 18 fructidor.⁴⁹

The article said, that while it was for history to decide whether he was worthy of posterity's admiration, Carnot's activities were an instruction for contemporaries. Noting that he had been attacked by Burke as the archetype of the Jacobin, Carnot was complimented as a sincere Republican whose zeal and self-sacrifice was similar to Hampden and Sidney. "One is not able to deny that he has shown himself the soul most constant to liberty, who has appeared in France; the most renowned, by his personal acts of opposition to all kinds of tyranny; the one who was the most often exposed on the breach and who strained to give to his country the destiny to which he thinks it ought to aspire for its happiness."⁵⁰

Compared to Carnot's rather traditional comments on national spirit, Dunoyer and Comte had a much more developed conception of what constituted public spirit. They saw its basis in the teaching of ethics. It was the faulty teaching of morality in modern times which caused the absence of public spirit. They criticized concepts of law which allowed persons to be penalized for laws of which they were not knowledgeable, since it could not be said that they voluntarily submitted to a law of which they did not have knowledge. The complexity of the laws operated against the people at the same time that they were told they are their best protection against arbitrary government actions. Dunoyer considered the development of existing legislation to be vicious.

49. "Notice historique sur M. Carnot, et observations sur son Mémoire présenté au roi en juin 1814. Cet article est extrait du journal anglais: The Edinburg Review, no. 47, novembre, 1814, p. 182, Censeur, V, 109-181. The author of the Edinburgh Review article was Lord Brougham, Mémoires sur Carnot, II, 390. Censeur, V, 127-28

The laws often condemned acts which were not condemned by morality or public opinion, while public opinion condemned acts with which the laws were not concerned. An example were the laws which punished theft less severely than adultery and seduction. A man who would be disonored by condemnation as a swindler would glory in the charge of seduction or adultery. This was not because theft was a greater evil than adultery or seduction, but because the person had acquired vicious standards and failed to act on the basis of a moral standard. It was noted that there was a greater social stigma attached to the kind of thefts punished by laws, unually associated with the lower ranges of society, than with adultery which tended to cross all of society. This confusion of moral standards was viewed as extending into public life:

Such men who, in private relations, are incapable of doing anything against probity, act without scruple, in a public election, by giving their vote to an immoral and talentless individual; as much as that individual is a Marat, a Robespierre, or such other, the evils which will result from such a choice will be infinitely more than those which follow from a murder or assassination.⁵¹

Dunoyer criticized those who merely attacked the villainous office holder rather than those responsible for hiring him.

Dunoyer felt that in addition to instruction in morality children should be given literature which instilled moral sentiments. Most of the literature given to children was viewed as corrupting. Great poets might be bad models for children. He wondered why young people who could appreciate the nobility of a Cato or a Brutus, had to read books by "shameful adulators of Caesar and of Octavius?" He felt that it was stupid to instill bad morality in order to graduate some poor poets, who would write odes to any "new Augustus" who might establish his sovereignty. The verses addressed to Napoleon Buonaparte were recommended as examples in this regard.⁵²

⁵¹. Censeur, I, No. 7, 287-90.

⁵². Ibid. n. 201.

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The conflict between standards of justice, and special interests or privileges was evidenced in the French Revolution. The beneficiaries of special privileges resisted the changes in the laws benefiting them. France suffered a terrible result when laws creating privileges were repelled; the beneficiaries preferred proscription to equality before the law. The history of the French Revolution was suggested as providing the best examples of "why the people were never opposed to the overthrow of new institutions." They had no understanding of the relation of institutions to them so they could not judge whether the successive institutions were improvements or deteriorations of their position. Old or new, institutions can be stable and unchangeable only if they are supported by public opinion, that is, if the people understood their relation to their habits, for then an institution would not be attacked without the people resisting it. Dunoyer's conclusion was that without any improvement in the habits of the people, there can be no public spirit. The people will not maintain or resist the overthrow of useful institution. They would remain dominated by their previous customs and become the prey of the ambitious who desire to establish their domination.⁵³

Since the educational system was dominated by religious and secular clergy, it seemed necessary to examine why religious institutions were held in contempt. Modern authors achieved a public reputation for their criticism of religion or for attempts by the clergy to persecute them. It was recalled that the Christian religion had been founded as a complete stranger to government and to legislation, and that Jesus gave an evasive answer to any questions about the relation of his followers to the power of government.

53. Ibid., pp. 292-95.

There was the example of the tribute to Caesar, wherein Christ avoided giving recognition to the authority of the state by recommending that Caesar be given what belonged to him without admitting that Caesar had a right to the money. St. Paul was defended against the "detractors of Christianity" and it was denied that the violence of the state had been sanctioned by the admonition of obedience (Romans 13, 1-2). It was considered applicable only to laws conforming to morality.⁵⁴

The actual situation of religion in French society in the early nineteenth century was described as one of scorn and derision even though the conflict between religion and reason had no basis. The clergy was responsible for improper education which created the bad habits and erroneous thinking that led to that conflict. Dunoyer undertook a detailed examination of the position of the clergy and the question of the battle against the ideas of the Enlightenment in "Des conférences de M. Frayssinous et de l'esprit du clergé de France."⁵⁵

Denis Frayssinous' lectures on theology at the church of Saint Sulpice, which lasted from 1803 to 1809, had been banned by Napoleon. The imperial government had silenced Frayssinous because his lectures undermined the authority of government by destroying the modern concepts and doctrines upon which it was based. Dunoyer noted the "honorable perseverance" with which Frayssinous had declined to present the humiliating panegyrics which Buonaparte demanded of talented persons. Buonaparte feared the weakening of government due to the virtue which Frayssinous inspired in youth through his lectures on religion, especially his criticism of the principle of conscription:

54. Ibid., pp. 297-304.

55. Censeur, I, No. 8, 329-46.

The most serious wrong of M. Frayssinous had been to refuse to prostitute his ministry in the defense of that bloody law, in an apology for conscription, and to avail himself of the ascendancy which his lectures ever gave him to inspire the ardor for war in the numerous youth which the peaceful love of letters or of religion attracted to his conferences.⁵⁶

Dunoyer noted that Frayssinous had resumed his lectures under the new government of the Restoration, and that he had been dispensed from submitting his work to the censors. Since his lectures were presented to the young people who would assume the leadership in the future education of youth, Dunoyer considered it important to examine if his views were contrary to the new institutions which had been established in France. In his first lecture, Frayssinous argued that a real morality and a good relationship among men must be based upon religion, and that in recent times religion had been misunderstood. He discussed the legislators of history who did not attempt to replace the role of religion with the role of glory, honor, knowledge, or the opinions of contemporaries or posterity, and suggested that disorder and tyranny resulted from the deprivation of religion to the people.⁵⁷

Dunoyer examined Frayssinous' criticisms of "philosophism" to see if they validly applied to the philosophic doctrines of the eighteenth century. The Enlightenment censure of government institutions had been aimed at what was "most odious and most barbaric" "the interrogations, tortures, the secret criminal procedures, the atrocity of penalties, the arbitrary arrests, the venality of officials, the unequal distribution of taxes, the bad customs of the higher clergy, the excessive expenses of the court, the furor for duels, etc., etc." Dunoyer believed

56. *Ibid.*, pp. 329-30.

57. *Ibid.*, p. 300.

that this was admitted even by those "who are least prejudiced in favor of the philosophers of the last century." Dunoyer asked if Frayssinous had made the necessary distinctions among the writers of the eighteenth century rather than classifying all of them together. Dunoyer denied that the anti-religious mania of some writers, the "egoism disguised under the beautiful name of humanity and of universal benevolence," the demogogy of some orators during the Revolution, and "the false maledroit philanthropy which, in the name of humanity, made, for the state, so many wasteful laws," merited censure for all the philosophers of the eighteenth century.⁵⁸

Dunoyer wished to know if the brochures published before the promulgation of the constitutional charter on June 4 which in part justified their appeal for liberty and for a constitution sufficiently balanced in order to prevent the formation of arbitrary institutions of government, or if those published since, which denounced the arbitrary acts of the government, represented the "philosophism" which Frayssinous opposed. Similarly, Dunoyer wondered if Frayssinous would consider it "philosophism" for courageous writers to excite the people to vindicate their rights against the government which was pursuing a system of retrogression, destroying the guarantees of the constitution and intensifying disorder by increasing the power of the government. Dunoyer believed that the clergy were participating in this conspiracy, and encouraged it by failing to support the constitutional guarantees. Dunoyer recommended that a clear distinction be made between the wise philosophy which defended civil liberties in the constitution and "philosophism." ⁵⁹

58. Ibid., pp. 331-33.

59. Ibid., pp. 333-34.

Dunoyer agreed with Frayssinous that the Christian religion had been misunderstood, and that it should have an influence in society. Dunoyer suggested that Rousseau misunderstood the useful role of the Christian religion when he said that it was a harmful institution, and "confused the false and pernicious direction that avarice and ambition of its ministers had given it, with the salutary influence that it would have been so easy for it to exercise." He thought that there had been a failure to appreciate the moral influence of religion, blurred as it was by the benefits which some appropriated through it and by the pious devotions not directly related to the proper ordering of human actions. Dunoyer agreed with Condillac that Christianity was superior to paganism in the formation of citizens because its ends were greater; Christianity sought both eternal life and a good life for individuals. He added that only the virtuous person in this life would acquire the right to eternal life. The extension of the influence of religion over consciences would eliminate the disdain formed by unbelief, and gain for it the recognition of those who doubt its divine origins.⁶⁰

Dunoyer held that that was not the direction that the clergy had given to religion since the formation of the new Charte. The clergy had failed to instill respect for civil liberties. Dunoyer asked:

Where are the bishops who, in their pastoral letters, have sought to give to the faithful of their dioceses proper ideas of the new obligations which the Charter imposes on all Frenchmen, and of the new rights that it guarantees them? We have read many of their mandates, and certainly we have found nothing like that; we were happy if we found nothing to the contrary.⁶¹

60. Ibid., pp. 335-36.

61. Ibid., p. 336.

Dunoyer found the tendency among the hierarchy directed toward expanding the power of the government. The bishops recommended obedience of the people to the governors, and not the obedience of the governors to the constitutional principles which curtailed their power.⁶²

Dunoyer recalled a recent review in the Journal des Débats which concerned a work on the constitution of England by the duc de Lenis, in which it was noted that the stability or instability of institutions depended on how much they remained in or extended beyond their natural functions. The example of the English king was recommended to continental readers for the threat to his position was reduced to the extent that his ability to threaten others was reduced. The leaders of the Church would be less threatened the less they threatened others by seeking the benefits of domination through state power. Priests were criticized who preached against the deputies seeking equal protection of the law for all religions and maintaining the irrevocability of the sale of the national properties. He opposed the clergy who troubled the purchasers of national properties in the confessional, and who sought the support of the state to enforce observance of holy days. It seemed more intelligent to begin with inspiring in people a sense of morality and attracting them to church for religious ceremonies than to acquire a "puerile triumph" by tempting the hostility of the people by processions outside the church properties as examples of the power of the churchmen with the government.⁶³

That religion did not assume a constructive role and strengthen the weak foundations of the new habits, new character and new spirit which the people were acquiring was disappointing. The failure of religion to join the people in their irreconcilable conflict with

62. Ibid., pp. 336-37.

63. Ibid., pp. 337-40.

the governors retarded and injured the firm establishment of the civil liberties guaranteed in the constitution from which alone further progress could be made.

Two great conflicting interests appear in dispute in France, as in all the states which have come to be relieved of the debris of the great empire. On the one side, the majority of Frenchmen wish to maintain what has been developed, because they find in our new institutions, such as they are, the means to solidly found the happiness and independence of the nation; on the other hand, the effort is made to tear away from them the strength that has been placed in their uncertain hands and to push the state towards an order of things from which it is separated by twenty-five years of revolutions, to which it is able to return only by crossing new civil wars, which present nothing certain to it, and in which there ought to be found yet only what raises the chances of human passions.

However absurd should be this project of counter-revolution, its existence appears only too certain. Twenty acts of the cabinet of France seem to show not only that it exists, but that it has received even a beginning to its execution.⁶⁴

The acts of government which Dunoyer considered indicative of its counter-revolutionary intentions were the violations of freedom of speech and of religion, the denial of legislative power to the chambers which were reduced to "the mere right of remonstrance and registration which the parlements once exercised," the attacks on judicial independence, the illegal recruitment of a large guard, and the arbitrary establishment or re-establishment of orders and decorations.⁶⁵

Intellectual trends which were developing as a result of government sponsorship were criticized: the attacks on the Revolution and on the principles of liberty, the panegyrics to the former monarchy and the search for centuries-old practices for current application, and "the absurd mania to force education to conform to old maxims when the institutions are new and different." Dunoyer declared:

64. Ibid., pp. 340-41.

65. Ibid., p. 341.

I do not know if this extraordinary project for counter-revolution includes a great number of defenders; but I do not fear to affirm that it is opposed by public opinion. But, in this struggle, on which side will reason, humanity, law, honor, and religion engage us? All of us will rally to the laws, to protect our newly formed institutions, and to not permit them to suffer the least attack. All of us say that it is time to resolve that it is impossible to permit a retrogression, that the present is a thousand times preferable to the past, that it alone is able to promise us a happy future, and that the cause of all our unhappiness is an eternal aberration.⁶⁶

It could not be imagined that as wise and intelligent a person as Frayssinous would favor the "spirit of reaction" shown by the acts of the government, and yet his lectures were presented in that spirit. Frayssinous seemed enamoured with the past; but Dunoyer indicated that the history of France provides few examples of the instruction of the young who are to acquire and emphasize the habits and ideas consistent with the new institutions which developed since the Revolution. It was quite possible, he argued, for men to resist the laws when they did not provide a complete civil liberty and still remain good Christians, but the introduction of safe-guards for the protection of civil liberty required the good Christian to respect the law.⁶⁷

Dunoyer called attention to the section on monarchical government in Montesquieu's Esprit des lois as an example of the uselessness for the modern young man of the old sentiments of honor, which whatever their noble sentiments were based on false vanities and were conducive to many vices. "The generation which developed during the tyrannical governments which succeeded each other for twenty-five years" needed a new sense of honor

66. Ibid., p. 342.

67. Ibid., pp. 343-44.

which rejected the intrigues and vices of the office-seekers and which respected and defended the new guarantees of freedom.

Finally, is it the general spirit of old France and its sentiments for its kings that one ought to offer as the example to the new France? I do not fear to say that in this regard the past is not worthy to offer lessons to the present, and that among other things, in this matter, the present is incapable of submitting to the influence of the past.⁶⁸

Dunoyer and Frayssinous agreed that religion might support the "ordinary motives of human actions" which were guided by morality, and that it might be more effective as an influence than honor, opinion, fear of punishment, on persons of strong faith. But, as these other motives, it had weaknesses; it was less strong because "it does not exercise a sufficiently immediate action on the ordinary man." Further, the means of repentance offered by religion reduced its power, because the sacrament of penance was abused and "the greater part of the vices are insulated ordinarily in our spirit by the open door of penance." The lack of influence which religion, morality or law had on men was less due to their intrinsic weakness than to the lack of agreement between them which permitted men to chose the least burdensome injunction offered. However, harmony between the maxims of religion, opinion and law was difficult to attain because each had its specialists who benefited from the differences between them and "who desire to make them an instrument of domination." The lawyers, the priests, the moulders of public opinion sought to determine legislation instead of allowing reason to determine the mutual happiness of men.⁶⁹

68. *Ibid.*, p. 344.

69. *Ibid.*, pp. 344-46.

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Dunoyer's strong desire at the beginning of the Restoration to challenge French society to seek to mould its spirit in conformity with the new institutions resulting from the French Revolution led him to critically examine both the basis of education and the way in which French history determined the state of public spirit. His tendency to view antiquity and the classical law-givers as models in contrast to the moderns, was balanced by his suggestion that Christianity had been able to make a unique contribution to moral development with hopeful results for a public spirit in the new France. However, that new France required an education system as different from the "gothic" approach of the past as the new institutions were different from the medieval ones used by the Old Regime. It was in the development of habits based on morality that Dunoyer placed his hope for the future of the new France which had emerged from the French Revolution and which he hoped would be solidified through the Charte.

Dunoyer found that the Restoration ordinance of February 17, 1815 made changes too minor in the education system established by Napoleon to be considered as changes at all. Government control of education was strongly opposed by Dunoyer. Since public opinion was considered the principal limitation on the powers of the governors and since education, along with the press, was the basis upon which public opinion was formed, he advocated freedom of education. His position was derived from the men who had spoken in favor of freedom of education in the legislatures of the French Revolution. The necessity of liberty for scientific progress had formed an important part of the educational and economic thought of Destutt de Tracy (1754-1836); as the leading Ideologue, he had been active in educational policy during the Directory and author of Observations sur le système actuel d'instruction publique (Paris, An IX), with which

Dunoyer was especially familiar.⁷⁰

Pierre Claude François Daunou (1761-1840), whose association with Dunoyer during the Restoration led to his contribution of articles to the Censeur Européen, had desired during the French Revolution that education be freed to be supplied by private initiative. Daunou was supported by Joseph Lakanal (1762-1845) and the abbé Sieyès (1748-1836); he, as a major force in the creation of the écoles centrales and the Institut, viewed liberty as a necessary condition for scientific progress. Jean-Baptiste Say (1767-1832), editor of the Décade, advocated the market approach to education in his Traité d'économie politique (1803) which were among the views for which he was/^{not} renewed in the Tribunat. François Gullaume Andreux (1759-1833), president of the Tribunat and contributor to the Décade, said that if it was better "to leave action to individual interest," then private market education should be the norm: "There would be then competition, emulation, as Smith, Mirabeau, etc., have not hesitated to embrace this last policy."⁷¹

The Censeur took the lead in radical opposition to the state education system established by Napoleon and continued during the Restoration. With the Journal de Paris, it formed the "liberal antiuniversity courant." "Dunoyer, faithful to liberal doctrine, reproached the regime of monopoly for causing the languor and somulence of the teaching body, and vaunted the competitive system, which stimulated individual initiatives. He stated that the University, from the experience of the first Restoration, never would be able to become liberal under the monarchy, was then radically evil, and "the best regulation for public instruction would be to abrogate those which exist and to declare it entirely free."⁷²

⁷⁰: Censeur, VII, 378-84.

⁷¹: Joanna Kitchin, La Décade, pp. 3-10, 179-84, 200. During 1791-92,

Dunoyer presented his criticism of the state educational system in a lengthy review of "Exposé de l'état actuel de l'instruction publique en France"; par M. Izarn, inspecteur-général de l'Université. Drawing on the views of a Professor Canard, Dunoyer preferred showing students how to acquire knowledge than to give them knowledge to be memorized. After surveying the educational programs of the empire, he concluded that it was not as good as the pre-revolutionary system and that, since it was government directed, it paralyzed liberal instructions and over time ruined the hope for liberty. Under the empire the concept of absolute monarchy received full expression, and passive obedience became the central creed of the schools. The grand master of the University presented the mysteries of monarchy to the students.

Finally, while one sought also to inculcate in young people the sentiments of servitude, one did not take less precautions, in another sense, to prevent their acquiring any idea of independence: one avoided explicating for them in the latin authors all which recalled the love of the ancients for liberty; one mutilated in the same spirit, several classics; finally, one had proscribed the teaching of constitutional law, and one had arranged that the young people not be able to acquire, in the course of their studies, any notion of principles of government: in creating the faculties of law, one had established no chair of constitutional law. Such was the direction that the University had impressed on public instruction under the imperial government, and it has not appeared under the reign of Louis XVIII, that the principles became more liberal.⁷³

71. (cont) Talleyrand, (1754-1838), bishop of Autun, had proposed a secondary education based on languages, literature, history and ethics, and the Marquis de Condorcet (1743-94) countered with one emphasizing mathematics, sciences, and political and moral sciences. In 1795, after a proposal by Lakanal for a more scientific course, the more humanistic proposal of Daunou was adopted.
72. J. Peirier, "L'Opinion publique et l'université pendant la première restauration," La Revolution Française, t. 56 (1909), 234-70, 330-42, especially pp. 257-58, 266-68. "The Journal général spoke of the 'enemies of all order and of all regulation' who complained of not being able to teach latin to their sons in the materialist Lucricus, as well as in Cicero. One was able, following it, to hope to gain for the University the partisans of the old education, but one 'is not obliged to be flattered to bring over the partisans of the revolutionary spirit.' "They are represented by the Censeur. In 1814, the Censeur only spoke of the University incidently, in its review of the press, in November; it attacked the Journal général, which 'took under its protection, in exalting the eminently monarchical principles of the grand master, principles that Bonaparte knew so well to appreciate and to recompense;' and it called to its account the definition that a writer had given of the imperial institution:

The vice in the educational system could be cured only by not having education based on legislation. He criticized the way in which the educational bureaucracy taxed both the teachers and the parents, and asked: "What is the competence of government in the matter of public instruction?" For him, the government's role in education was similar to any act by which the government intervenes where it has no right. Dunoyer viewed the freedom of education as similar to freedom of the press, and criticized the monopoly of degree granting which the University had been given. "One sees, not at all, in effect, why it is able to hinder the faculty of teaching any more than of going, coming, speaking, writing, or such other of our faculties." ⁷⁴

Dunoyer's advocacy of "total liberty of teaching" was touted in his concept of the market, as well as in political theory. Anyone opening a school needed only the confidence of the public who were the consumers of his services. The consumers would be the best and only judges of the suitability of any school. Dunoyer added: "I would add that the government, in taking to itself so the exclusive direction of education, not only criminally assaults the liberty and property of citizens, but it essentially negates the progress of good studies..." ⁷⁵

If the pretext of general interest suffices for the government to be able to obtrude in the conduct of private interest, there will be no reason that it not wish soon to invade everything, that it not wish to regulate our fields and our vineyards, to introduce itself as master in our homes and to exercise there all the powers of a father of a family: all that in effect touches, more or less near, to the general interest. ⁷⁶

72. (cont) "An expansive and vexatious means ... of implacing in the spirit of young people the proper notion of things by the opinions suitable to perpetuate slavery in France." *Ibid.*, p. 267.
73. *Censeur*, VII, 116-183, especially, pp. 116-24, 129-43, 183. A new edition of Izarn's work was mentioned in the *Mercure de France* t. V, 24 Janvier, 1818, p. 192.
74. *Censeur*, VII, 143-57.
75. *Ibid.*, pp. 156-59.
76. *Ibid.*, pp. 159-60.

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The extent of the imperial government's control over manufacturing and commerce, publishing of books and newspapers, religion, schools and the Institute were summarized. The violations of private rights created bureaucratic posts which further strengthened the government. But, the enrichment of government must mean the exhausting of private wealth, the ending of competition, the enfeebling of industry and finally civil war. Dunoyer continued:

I believe then that it is very useless that the government intermeddle in the direction of education, or more, I believe it very necessary that it not meddle in it, and that it leave it entirely free. One is able, in this regard, to be reposed with confidence on the mutual interest of men who teach and of those who wish to be instructed. When the first are masters who chose the methods and the second have the choice of professors, one is able to count that the last will chose the professors who will follow the best methods, and that the first will adopt the methods which will procure for them the most students. That, you will say, does not prevent that one will soon see a prodigious diversity in methods. Is you uniformity worthy of merit, does it do better than that of diversity? You fear that one will not know to stop at what is good; me, I fear that you will not know to disengage yourselves from what is bad. You fear that the freedom of education will expose it to continual innovations; me, I fear that the servitude that you have placed on education will render impossible all improvement.⁷⁷

Dunoyer express strong doubts about the concept of licensing by the government. He did not believe that it was proper for the government to certify someone as a lawyer because he felt that the public as consumers would form a judgment as to capabilities. "It is then in general useless enough that one submits persons who wish to exercise certain professions to the obligation of taking certain grades, when that is not at all the basis on which the public accords or refuses its confidence." The question of an emergency need for a doctor, pharmacist or man-midwife raised, for him, the issue of possible submission of proofs of study before public notice of practice. But, in general, he felt that the use of licensing created a false confidence among the consumers. As a parallel, Dunoyer believed the university faculties to suffer from worse teaching than other places. Their monopolies suffocated

alternative institutions of learning. He believed that the sciences would profit from the abolition of the faculties: "the things that one learns best are precisely that for which there do not exist any faculties" such as natural sciences and the fine arts. Government regulation drove away the most talent teachers; while freedom from government regulation would make the preofession of teaching the most noble in society. He noted that until then good writers had not been teachers; he believed that the imperial education had made it less likely that savants would enter the career of teaching. He foresaw in education freed of government control a valuable competition which would benefit the students, and he invoked Adam Smith's Wealth of Nations (t. 4, p. 147) in the translation of Germain Garnier (1754-1821) in support of educational arguments. Dunoyer concluded with his striking statement: "The government, to our sense, is only able to make one good regulation of public instruction, it would be to abrogate all the regulations which exist and to declare public instruction entirely free."⁷⁸

77. Ibid., pp. 166-75.

78. Ibid., pp. 166-83.

INTERNATIONAL RELATIONS IN 1814-1815: ANGLOPHOBIA,
COUNTER-REVOLUTION AND THE CONGRESS OF VIENNA

The guarded optimism which Dunoyer initially displayed toward the Restoration under the Charte turned to bitter opposition as the government ruled in what Dunoyer viewed as an illegal and unconstitutional manner in violation of the Charte. The spirit of the 1789 Revolution seemed to him revived when the Charte was issued. But, the violations of the Charte, especially with reference to censorship of the press, caused Dunoyer to fear the revival instead of the tyranny of the Jacobin Terror and the military despotism of Napoleon. The government's failure to fulfill the promises of the Charte, which was viewed widely as based on the English constitution, led to a deeper examination of England's political practices as well as English political principles. At the same time, the foreign policy of the English government at the conclusion of the wars against Napoleon gave rise to a more critical attitude toward England.

Dunoyer stated forthrightly in December, 1814 his opinion of the English government's conduct of the protracted war against France and the French system in Europe. "One would seek vainly in the annals of peoples for examples of a policy so fraudulent, so profoundly immoral, as that which the English government followed in the last war against France."¹ The English government employed various methods to involve the peoples of Europe in England's quarrel with Bonaparte. He characterized English policy as an attempt to have the peoples of Europe participate in England's defense by pretending to ignore its own interests and to care only for the

1. Censeur, III, 125.

interests of the European peoples. However, with the defeat of France in 1814, Dunoyer believed England was finally showing its true colors:

The English government showed itself animated solely by the desire of delivering the peoples of Europe from the oppression under which they were suffering and to assure forever their independence. In rousing them against its own enemy, it spoke to them only of honor, of liberty, of national pride; it neglected nothing to enflame their patriotism, to render them capable of great efforts; and when finally they had assured England's victory, it immediately abandoned their cause, or rather it only then revealed the secret of its political infamy and one now sees that it wished only to be served by their energy for the execution of its design, and that it had prostituted their most generous sentiments for the purpose of defending the most vile interests.²

While the European peoples were properly disturbed by the ambition and cupidity of the English government once Bonaparte had been defeated, what Dunoyer found most shameless was the manner in which the most basic interests of these peoples were sacrificed by the English ministry who were "of all the ministers gathered at the Congress of Vienna, those who showed the least loyalty." Dunoyer believed that no one at the Congress would dare to interfere with the demands of England, and that the English ministers "lend their hands complacently to every injustice." This permitted the governments of Europe to barter between them the liberty of the peoples of Europe. However, while critical of the English government Dunoyer was careful to distinguish between the government and the English people whom he believed were characterized by both freedom and generosity. Since the interests of any people were considered opposed to that of its government, Dunoyer doubted that the English people should be blamed for the acts of its government.

2. Ibid., p. 126.

This conduct of the ministers of the English government is even more guilty, as they have much greater debts to discharge to the nations of Europe, and as their influence at the Congress gives them greater means to work for the establishment of the internal and external independence of those nations. Also they have attributed a role to the English people which is completely unworthy of it; they made it appear ambitious and evil, at the very moment when it had become all-powerful, and it is a cowardice which stains its honor, if the honor of a great nation is able to be dishonored by acts which it disapproves.³

While in the empire's administrative service in Spain and Holland Duncayer had developed an increasing hatred for the whole restrictive and oppressive system which Napoleon had imposed on Europe. In Spain and Holland it was possible for him to identify with the Francophile parties there. While allied to and dominated by the French and formed about members of Bonaparte's family, these pro-French parties were superior, from his perspective, to the official party in France itself. First, the two members of the Bonaparte family who ruled in Spain and Holland had much more sensible and much less violent approaches to matters than did Napoleon. Similarly, they were primarily interested in the peaceful and constructive development of their countries. This fact led Joseph in Spain and Louis in Holland to pursue policies which conflicted with the official policies of Napoleon, since for him all policies were subordinate to the needs of war. But, Joseph and Louis considered the needs of war subordinate to the salutary state of their countries. Second, those natives who rallied to the French were generally the best and most enlightened elements in the country marking them off from French officialdom who were either military officers or the despirited or ruthless survivors of a dozen years of self-destruction of the French political leadership.⁴

3. Ibid., pp. 127-28.

4. Mignet, "Duncayer," pp. 245-46; Owen Connolly, Napoleon's Satellite Kingdoms, New York, the French Press, 1965, pp. 127-175, 223-87.

Dunoyer welcomed the fall of the Bonapartist regime as a means to establish constitutional government in France. He identified himself with the royalist constitutionalism and monarchist liberalism expressed in the constitution issued by the Senate and the Charte issued by the king. His hopes for a Restoration government on the English model were dashed. Due to the domestic political situation in France and the external policy of the English government he not only became more critical of the English government but developed a guarded attitude toward English institutions. This was in marked contrast to the Anglophilia which characterized the monarchist liberals of Restoration France. Some were willing to accept the formality of the Charte and the hope of an eventual evolution under the Restoration to a more representative government. In fact, there was some satisfaction in postponing any introduction of true civil liberties or representative institutions. This stemmed from disappointment over the failure of the post-1789 constitutional monarchy and over the direction which representative government took either towards the Terror after the deposition of the king or towards caesarism after the termination of the Directory. Fear of the return of Bonaparte meditated toward acceptance of the Restoration with formal English institutions without the threats involved in effective means of self-government.⁵

However, Dunoyer and Comte became increasingly skeptical of England and abandoned any Anglophilia, while maintaining an open policy in the Censeur for liberals of Anglophile tendency. While Dunoyer felt that France had a pale reflection of the English constitution because English society had strong foundations in

5. Pierre Reboul, Le Mythe Anglais dans la littérature française sous la Restauration, Lille, Bibliothèque Universitaire, 1962, passim; Frances Acomb, Anglophobia in France, 1763-1789, Durham, N. C., Duke University Press, 1950, passim.

the struggle for liberty, he wondered if the French government could act arbitrarily within the forms which were adopted from the English usage was it possible that the original in England was operated on the same basis. Thus, with regard to Le Mythe Anglais during the Restoration, "the influence of the Censeur was not negligible;" "it was the most important of the secondary reviews." The Censeur was in the forefront of the Left in France in skepticism and criticism of England.

On the Left, one discovers, with a certain astonishment, that the banner of liberty covers henceforth an aristocratic merchandise. They begin to envisage that England is able to cease enjoying the forerunners of civilization. Have not its ministers made themselves the recognized protectors of continental reaction. Moreover, one would be, one would wish to be a patriote! Many former officers of the Grande Armée still resented the humiliation of the defeat; many former prisoners or former soldiers recalled the essential themes of the revolutionary and imperial propaganda. The Left had hardly more unity than the Right; less still perhaps. Some hated, some admired, others exploited, some desired to imitate. C. A. Scheffer and, in a lesser measure, the staff of the Censeur, began to criticize the very idea of a country.⁶

Dunoyer's Anglophobia was much deeper and analytic in comparison either with the conceptions of "Perfidious Albion" of an Etienne de Jouy or of "Noble England" of a Mme. de Stael or Benjamin Constant. The depth of Dunoyer's analysis of English policy and government is evidenced in the impact that the Censeur had on Benjamin Constant's thinking in this as in other themes as part of the dialogue of attraction and criticism which they carried on to the end of Constant's life. Constant's conception of a free England was modified increasingly toward criticism of England. "Without doubt, in his portrayal of the economic and social evolution of England, Constant was inspired by the brochures and articles of J.-B. Say as by the Censeur, taking account of the sentiments of his public and of the disquiet which had provoked

6. Reboul, Le Mythe Anglais, pp. 115, 377; C. A. Scheffer was a young Dutch journalist who assisted Dunoyer on the Censeur Européen.

the social and political troubles of Great Britain."⁷

That impact of the Censeur emerged from the central importance of economic thought for Comte and Dunoyer. In the first volume of the Censeur, in the summer of 1814, Dunoyer had very strongly recommended the necessity of reading Say's Traité d'économie politique. Say's economic analysis was based upon that of Adam Smith. Charles Comte and Dunoyer had an acquaintance with Jeremy Bentham's writings. It was ironical that the roots of Dunoyer's and Comte's economic thought was English. Reboul noted: "For the readers of the Censeur or of the Revue Encyclopédique, political economy eclipsed philosophy. In a certain measure, it replaced it." Dunoyer and Comte were interested in the newer historical and social writings which were being presented in England and found that writing to be congenial to the cosmopolitan attitudes inherited from the philosophes and the Ideologues.

But, to study England through its historians and its political theorists, one risked misunderstanding the present realities. However, grouped in general around Comte and Dunoyer, sustained by the Censeur, then by the Censeur Européen, a group of men, often Protestants, developed understanding for the newest aspects of English thought. The most curious example of this interest is that of the works of Bentham.⁸

The support which England gave to the royalists to set aside the Senate's constitution and the English desire for a strong Bourbon king, who was Anglophile, rather than a cabinet government which might reflect popular hostility to England, were important factors in the development of Dunoyer's Anglophobia. The English fear of a Franco-Russian entente contributed to their preference for an arbitrary rather than parliamentary government. Tsar Alexander had an especially high position in French public opinion contributing to English fears that a cabinet system based on parliamentary

7. Reboul, Le Mythe Anglais, pp. 60-65, 77-102. On de Staël, Lanjuinais, and especially Constant, see George A. Kelley, "Liberalism and Aristocracy in the French Restoration," Journal of the History of Ideas, XXVI, No. 4, 509-530.

8. Reboul, Le Mythe Anglais, pp. 60-65.

responsibility would limit the king's Anglophile policy and strengthen a Russophile policy. Although not strongly inclined towards an alliance with Russia, Dunoyer reflected this Russophilia based on the French attitudes about Tsar Alexander.

Dunoyer's favorable attitude about Alexander was reflected in references to the politeness of Alexander's letter reportedly written on the resignation of the Russian minister of foreign affairs, Count Romasov. Alexander's language was contrasted with that used by most princes, especially those of southern Europe. According to Dunoyer, at the courts of Turin, Rome and Madrid, the language of the princes concerned the sacred person of the monarch, while at Saint Petersburg the most northern European capitals, the emphasis was on the work done for the benefit of the country. This was attributed to the realization of the importance of the progress of enlightenment. In northern countries, there were not "little intriguers dressed up ridiculously in bizarre clothing of men of the thirteenth century, armed with shields and halberds, and forming a ridiculous crusade against public opinion," or even holding government offices as in Spain. He recommended to rulers that they permit the customs and spirit of the people to have complete influence because attempts to prevent that progress would result in the revolutions "which certain southern princes seem to be precipitating."⁹

9. Bulletin du Censeur, I, No. 10, 70-71. The reference is to the Russian foreign minister, Rousmazoff; Henry A. Kissinger, A World Restored, New York, Universal Library, 1964, pp. 18, 136-43.

Dunoyer's initial Anglophobia was reflected in his comments during the summer of 1814 regarding the treaty of Paris of May 20, 1814. He was especially concerned with the effects of English insistence that the Belgian departments be transferred from France. He was astonished that the ministry had not submitted the treaty for ratification by the chambers, and he protested the treatment accorded to Belgians who wished to maintain their French citizenship by remaining in France. Persons born in Belgium when it was part of France and whose parents were French citizens were deprived of their citizenship without due process of law. Noting that if the department of the Seine had been separated from France, the Parisians would have been permitted to remain Frenchmen by moving to whichever provinces remained French. He asked why the same should not apply to the Frenchmen who lived in the departments of Belgium or Piedmont. "Does one think that men are still bound to the soil," Dunoyer quiered, "and that it is sufficient to cede the soil where they were born to be able to cede their persons?" Dunoyer wrote ironically of the good disposition of England for France resulting from England's gains regarding Belgium in the treaty of Paris, including the landing of English naval workers at Ghent to destroy shipping at Antwerp.

We have shown ourselves so accomedating, it has such good reason to be satisfied that it appears certain it will give us good friendship. It seems to me, in effect, that it has given us, for three months, the most constant proofs and the least equivocal proofs of its sentiments, in all that it has done to establish itself in Belgium, where it is coming to install itself momentarily. If England manifests the desire to have its foot on the land of the continent, it is clear that it is solely to find itself near to us, and to have more frequent occasions to fraternize with France, its dear sister. What is more delicate, more refined, more disinterested? What does not prove this first demonstration of tenderness? It encourages us to hope that England will still deign to take further steps toward us, to be found all of a sudden coming to embrace us. If ever it pushed its friendship till ~~point~~ it is able to count on the vivacity of our gratitude, and on the energy of the testimony that we will give to them.¹⁰

The English government's support for the growing counter-revolution in Italy, Spain and other parts of Europe which had experienced the impact of French concepts was very troubling to Dunoyer. From the actions of the restored monarchy in Piedmont, Dunoyer generalized about the restored governments of Europe. The king of Sardinia, returning to a joyous welcome, answered by destroying the work accomplished ^{during} sixteen years of the revolution.

Dunoyer commented:

It seems that the newly established governments have joined together to destroy all that the people have achieved during twenty-five years; they all evidently tend to the same aim; there is only a difference in the means that they employ to achieve it; there, it is violence; here, it is cunning; it remains to be seen which is the better means! we dare to hope that they will all be equally powerless. How, in effect, can one conceive that several men of the most mediocre genius are able to struggle with some advantage against the public opinion of Europe?¹¹

However, the advance of the counter-revolution in Europe was a surface manifestation, and thus was not as dangerous as it appeared. Government officials could introduce reactionary measures into the institutions, but the people carried forward the progress of their new customs. The reactionary movement had reached the point where it might precipitate a revolution, because its attempts to force the people to retreat,

only caused them to accelerate the progressive movement which imprints in them the enlightenment and philosophy of the century; the governments may extend their authority, but they weaken their power; and one is able to perceive that, if they do not abandon their system, they will be found in the end so far from common opinion, and so isolated and so weak, that the least blow will be able to become fatal to them.¹²

10. Bulletin du Censeur, I, No. 3, 15-16; No. 2, 5; No. 4, 21; No. 5, 29. Charles Comte had commented in "Observations relative à quelques articles du traité de Paix," Censeur, I, No. 6, 237-42. Bertier de Sauvigny, The Bourbon Restoration, pp. 62-64.
11. Bulletin du Censeur, I, No. 2, 5; No. 5, 31-32.
12. Ibid., I, No. 7, 45.

The old forms had been re-established in the kingdom of Sardinia and in the Papal States, the prince of the United Provinces seized more power than the Stadholder had exercised and the king of Spain re-established absolutism. Feudalism was refounded in Holland and Rome, while the French ministry desired to introduce absolutism. It allowed the return of the Trappists to France solely by royal decree, matching the refounding of the Jesuits in Rome and the re-establishment in Spain of the inquisition and old religious foundations.¹³

Dunoyer found the situation in Italy in the fall of 1814 to be comparable to what he considered the terrible situation in Spain. The calmness and wise patience of the Italians had been disturbed by the extreme measures of the Count de Bellegarde.

The Pope, the king of Sardinia, the Count de Bellegarde have shown themselves nearly as intractable on good principles as King Ferdinand, and the reaction has been hardly less violent in Turin, Milan, and Rome than in Madrid. They have shown mercy neither to men nor to institutions; all has been changed; the past has taken a new future; in a word, they have neglected nothing which will agitate spirits; also they have gathered peacefully in order to urge them to insurrection; they have raised all Italy to insurrection against good principles; legitimate government has lost nearly all favor, the fall of usurpers excites regrets, and the Italians, in their distress, have expressed more than once to all Europe an odious cry.¹⁴

Dunoyer believed that the Italians, in reaction to the extreme measures taken against them would rally openly against the restored order if a leader presented himself. Lacking anyone else, Murat, king of Naples, would serve that purpose. Dunoyer thought it would be unnecessary for Murat to create a great party to declare war. Were Murat only to advance his armies toward Rome, mass dissensions from the Italian army, already occurring despite the measures instituted by Count de Bellegarde, would intensify.

13. Ibid., I, No. 7, 45-46.

14. Censeur, II, 353-54. Count Heinrich von Bellegarde had been a general and was Austrian governor in Milan during 1813-15.

England's involvement in Spain was more painful for Dunoyer due to his activities in Spain under the empire. As he watched the government of King Ferdinand unfold in 1814, he looked back to the English role in Spain as the cause of the disastrous policies there. What England had accomplished in Spain had to be made more widely known as a warning to Europeans regarding England's true motives and acts. England had been able to take advantage of the divisions among the Spanish; the three parties were: los Jospélines, the supporters of the French-sponsored government of King Joseph Bonaparte; Libérales, the supporters of the Cortes which sought a constitutional government and of Charles IV who had been exiled by Napoleon (and died in exile in Rome in 1819); and los Servilés, the supporters of Charles IV's son, the English sponsored, King Ferdinand. Ferdinand multiplied arbitrary arrests and persecuted the party of the Cortes "whose energy had saved Spain from the yoke of Napoleon, and who had hazarded their lives to recall Ferdinand to the throne he had abandoned." That action was outdone only by the re-establishment of the Inquisition which "jealous to regain lost time, has retaken the road of its charitable work with the most devouring zeal." "There remains nothing more to crown the undertaking than to recall the Jesuits," which seemed only to await a favorable opportunity. Dunoyer felt that the ministers of the Spanish king lacked the integrity and courage to show the king that "the movement of opinion is able to be suspended by force, but will never retreat."¹⁵

Dunoyer observed that "the internal situation of Spain is hardly ever tranquil for the partisans of the claimed European

15. Bulletin du Censeur, I, No. 11, 80; Censeur, III, 362-64. Cf. Owen Connelly, Napoleon's Satellite Kingdoms, pp. 223ff, and Owen Connelly, The Gentle Bonaparte, A biography of Joseph, Napoleon's Elder Brother, New York, The Macmillan Company, 1968, pp. 89-237.

restoration." He considered the self-proclaimed restorers the "new revolutionaries" because they intended to overthrow the institutions established in Europe during the preceding quarter century and to act contrary to the direction of the existing spirit of progress. These "new revolutionaries," according to Dunoyer, believed that since the Spanish people were the last to free themselves from the yoke of feudalism and absolutism, they would be sufficiently docile to accept the restoration of that yoke and offer the other European peoples "the example of the return to what are called good principles." Dunoyer hoped that the Spanish people would be capable of resisting what he considered a criminal assault.

This generous nation will resist the maxims of servitude with a constancy and a stubbornness that henceforth it will appear impossible to conquer it. It will continue to believe that the inquisition, the tithe, the multiplication of monks, the unequal division of taxes, the confusion of all powers in the hands of the monarch, the arbitrary and violent usage that the Most Catholic King makes of it, are not things which reason is able to sanction however much they conform in other respects to good principles; and in a word the good principles are almost a horror to them, and they become on all sides the very active causes of insurrection and of revolt.¹⁶

The established policy of the Spanish government seemed to be a mixture of soft words and violent deeds, "of religion and cruelty." The government issued instructions to end "the general corruption of which all classes of the state are attacked:" the archbishops of Spain must issue pastorals to instill passive obedience in their flocks and the priests must read them before mass, they must promptly establish missions in all the cities, including Madrid, and the parents must send their children to church three times a week to be instructed in passive obedience.¹⁷

16. Censeur, II, 348-50.

17. Ibid., p. 350.

To benefit from Ferdinand's restoration, Dunoyer found, it was necessary to reproach those who were responsible for his exile - an exile during which "like a protestant preacher on a desert island, he preached moderation, indulgence and christian charity." What struck Dunoyer as most representative of the royal tolerance was the order of the military commissioner of Barcelona, which appeared in that city's newspaper on October 11, 1814. It required all owners of public meeting places such as cabarets, inns, hotels, and even lemonade vendors, and heads of offices to denounce to the commissioner all that they saw or heard "in favor of the abolished constitution or against the sovereignty of the king, and the prompt obedience due to his orders," as well as "all insidious writings," under penalty of five hundred francs "without prejudice to a much stronger punishment according to the evil resulting from their silence." The denouncers would be rewarded and their names kept secret.

Such are the means employed by King Ferdinand to restore deplorable Spain. His minister can conceive of nothing nobler than espionage, more liberal than the inquisition, softer than exile, dungeons, tortures: one is able to recall here the imprisonment of all the members of the Cortes, the false and insidious promise to convoke a new estates general, and to give Spain a constitution, the proscription of all soldiers above the grade of lieutenant and of all public officials who had served the last government; the confiscation of their goods; ... and a crowd of acts, all remarkable by the violence, the deceit or the superstition by which they were dictated. After eight months of such an immoral and barbarous administration, it has become completely impossible for King Ferdinand ever to recover the confidence of the Spanish people, and he has placed himself in so violent a state of war with them, that he is unable henceforth to aspire to anything more than to enslave them.¹⁸

18. Ibid., pp. 351-53.

Reviewing "Représentation du conseiller d'état espagnol don Francisco Amores, à S. M. le roi Ferdinand VII, suivie de pièces justificatives," Dunoyer provided a criticism of past and present events in France as well as in Spain. The French should draw the lesson from the Spanish events that there is much less to fear that a strong government will develop if ministerial responsibility was rigorously applied than if the ministers were invested with strong powers and with the inviolability attributed to the prince. That this arbitrariness resulted in a despotism which "is never more licentious, more violent, more excessive" is a "truth, of which history offers a thousand proofs, [which] has been confirmed this year in Spain, by acts of ministerial despotism in comparison to which the annals of the world have perhaps yet offered nothing."¹⁹

The royal minister, Don Pedro Macanaz, was reported to have proscribed in the king's name by a simple circular letter more than twelve thousand of the leading Spanish families, including "the most knowledgeable men of the nation." Besides banishment in perpetuity from Spain, their goods were sequestered. By the same means a great number of other persons were exiled from the capital, excluded from public office, disqualified of their honors, and placed under a severe and humiliating surveillance in the towns where they were exiled. This harshness was exceeded by the minister's agents who, believing official inviolability to extend to them, widened the application of the proscription to many persons who were not included in the minister's circular. An example of this which Amores described in detail was the proscription of his wife, Madame Dona Maria de Thérán, of whose "sweetness of manner and grace of spirit" Dunoyer speaks as though from personal knowledge. Since she remained in Madrid during

19. Censeur, III, 184-85.

the final evacuation by the French, the prescription decree did not apply since it excluded wives of partisans of Joseph Bonaparte who did not accompany their husbands to France. But, Dunoyer noted, Captain-General of New Castile, Count Villarieze, was a personal enemy of conseiller d'etat Amoros and ordered her to leave Madrid in twenty-four hours despite the fact that she was gravely ill and had three very young children in her personal care, placing her and the children in danger of death. Since his brutality was viewed as an attempt to make the wife and children expiate a crime for which Amoros had been punished already, and since Dunoyer emphasized this was the crime of "disloyalty", for having accepted various positions under King Joseph," Amoros "directed the remainder of his work to absolve himself and all the men of his party, from the charge of disloyalty."²⁰

This part of his work is extremely remarkable. Nothing is more noble, more courageous, and more energetic all together than the sentiments which have dictated it. M. Amoros is not at all, as he himself said, one of those Spaniards who, sure of following the safe road, had maintained the weakness of saying that they were misled, and invoked a pardon by this very means which they did not deserve. Justly proud of his sentiments, he believed that he would be debased if he implored clemency, and he declared haughtily to King Ferdinand that one would not see him re-enter his country by the servile road of a pardon. He was very honored to have been a member of the Constituent Assembly of Bayonne, and there to have sworn an oath of fidelity to the engagement of that prince, until the votes and the interests of his nation, still more than the treaty of Valençay, had absolved it in this regard, and had imposed on him the obligation of recognizing Joseph and of swearing a new oath of fidelity.²¹

20. Ibid., pp. 185-87.

21. Ibid., p. 189. Napoleon had called a conference in 1808 at Bayonne of the Spanish king, Charles IV, the favorite, Godoy, and the crown prince, Ferdinand, who opposed his father and the favorite. Charles IV abdicated and the national council in Madrid, under the direction of Napoleon's brother-in-law, Murat, called on Joseph Bonaparte, then king of Naples, to become king of Spain. Ferdinand renounced his rights in the treaty of Valençay. A national assembly of one hundred and fifty Spanish notables, elected by the three estates of the kingdom, convened in Bayonne to write a constitution; it declared Catholicism the sole religion of Spain. It had very liberal provisions and provided for the election of a unicameral Cortes. Dunoyer preferred the votes of the national assembly and the argument of national interests to Ferdinand's renunciation of the crown of Spain.

Dunoyer described Amoros' discussion of his oath-taking:

So M. Amoros, to justify the oath that he had sworn to King Joseph, sought particularly to show the interest that he had that his nation rally to the constitutional monarchy that this prince had established. All Europe, he said, bowed down under the colossal power of France: Spain alone was able to resist it, and calling to its aid an allied power to help to sustain the battle, it was exposed to all the calamities of devastation. History shows us, on the one hand, how it was expedient that the two thrones be occupied by the same dynasty, and one envisaged, on the other hand, only with dread the furors of a people in revolt.²²

Dunoyer would have preferred a general recognition of Joseph Bonaparte which would have prevented the ruin caused by disastrous wars waged by foreign armies which often were either completely destroyed or taken prisoner, the revolutions in America and the emancipation of the colonies, and the prescriptions of all kinds. The French likewise would have benefited from the recognition of Joseph by all Spaniards.

We would not have had the humiliation of seeing so many Spanish trophies decorate the walls of this capital; we would not have the sorrow of seeing so many widows, so many orphans and so many calamities of all kinds.²³

Spain suffered the destruction of its most important manufactures and of many cities. Ferdinand's restoration re-established feudalism and the inquisition contrary to the constitution and inundated the country with "the armies of lax and depraved monks."

Joseph Bonaparte had been opposed to all the despotism of military government which Napoleon imposed on Spain, and his Spanish supporters were not defiled by the crimes which dishonored his opponents. Dunoyer was impressed by Amoros' opinions of the Liberales who formed the Spanish government of the Cortes in opposition to the French-sponsored regime. The Cortes issued a constitution, the Constitution of 1812, which was more liberal than that associated with the government of Joseph. Amoros defended the cause of the liberals because of the basic value of the

22. Ibid., pp. 189-91.

legislation which they enacted and protested the rigorous action taken against them because he felt they had no means of knowing the declarations of Ferdinand which required all Spaniards to support Joseph. Dunoyer strongly questioned Amoros' view that the orders of Ferdinand to aid Joseph were sufficient to give legitimacy to Joseph's rule. Dunoyer commented:

The nation alone is able to dispense the crown in favor of Joseph, and to decide if he had borne it in a legitimate manner. It is a question less of knowing if Ferdinand had ceded it to him, than if it had been conferred on him by the vote of the Spanish people. It is always in effect to those that it is necessary to reduce the question of legitimacy, to be able to arrive at a reasonable solution, and all legitimacy which is not found on the national voice signifies nothing at all, or signifies only the legitimacy of force.

While we do not seek to establish at the moment what kind of legitimacy King Joseph enjoyed in Spain, it appears that in the example of most other princes and of Ferdinand himself, he was legitimate only when he was in a position of strength. This is what is indicated by the following couplet which the inhabitants of Madrid sang sometime before the last French evacuation of the city.

Vive Joseph the First!

Vive Ferdinand!

The one reigns in the winter,

The other in the summer.²⁴

The respective roles of Joseph and Ferdinand in the complex Spanish situation permitted Dunoyer to raise fundamental questions which related to the situation in France as well as in Spain. Not only did he deal with a contemporary restoration accompanied by much violence, but Spain as France, witnessed a contest between a Bourbon and a Bonaparte. For Dunoyer, the root of the power of the government was force or the threat of force. Only the universal support of the citizens could provide legitimacy, and government based on popular institutions would limit the effects of force.

Notwithstanding the good intentions which animated Joseph, or the interest which the Spanish had to support him, for Dunoyer,

24. Ibid., pp. 192-96.

the fact of crucial importance was that the Spanish people never recognized him or his rule. However, he did not feel that that provided grounds for the opponents of Joseph to attack his supporters since they joined him out of a true love of country, and since they did not enter "into insurrection against the general voice and that they had done nothing to introduce disorder and chaos in the midst of Spain. Rather, of all the parties which divided that kingdom, it is evidently this one which was always led with the greatest moderation and wisdom." In view of the patriotism of that party, he sought to discover the sources of the deep hatred that the party of the Cortes bore against it. This was especially troublesome to Dunoyer since he considered the principles of the party of the Cortes to have been so pure and so liberal. The English and the feudal orders of Spain, he concluded, were the sources of this blind hostility of the party of the Cortes. The English propagated erroneous views of their sentiments in order to eliminate Joseph from the throne and to defeat and pursue the French armies into France. The Spanish grandees, nobles, and monks hated the reforms which the government of Joseph introduced and which frightened them as much as any that might have been in preparation. He was saddened by the failure of the supporters of Joseph and the party of the Cortes to maintain the short-lived understanding into which they had entered.²⁵

25. Ibid., pp. 196-98. The reconciliation looking toward an agreement between the Cortes and the Josephine supporters was ended when the position of the Cortes was favorably changed by the battle of Arapiles. After the battle of Arapiles (near Salamanca) on July 22, 1812, the French army withdrew north toward Bourges permitting the English army to move toward Madrid. This marked the beginning of the collapse of the regime of Joseph in Spain since it caused him to withdraw temporarily from Madrid to Valencia, since it eliminated French control in western Spain, and since it resulted in the decision of the Cortes to commit itself completely to the English alliance by appointing Wellington commander-in-chief of the Spanish armies.

Dunoyer was critical of the party of the Cortes because it considered the Spanish people competent to establish a liberal system without aid from abroad. This illusion was exploded when the Cortes sought aid from England in their fight for independence; they discovered themselves deserted by England when its purposes of destroying both France and Spain had been achieved. The Cortes was left by England at the mercy of the restored Ferdinand, who displaced and proscribed the Cortes and returned the feudal orders to their former privileges. Dunoyer said:

What distinguished [the party of the Cortes] most essentially was its belief that the nation was able, alone and by its own energies, to produce the reform which the institutions required, while the party of Joseph thought that the nation had neither the knowledge nor the patriots necessary to work this revolution alone, and felt that it needed the assistance of a friendly and enlightened nation. Experience has justified the latter sentiment, and it proves that the Spaniards who desired to maintain the dynasty of Joseph were the ones who best understood the interests of their country.

In effect, when Spain found that it had ruined itself and that Ferdinand had been returned to his throne again, the party of the Cortes did not have to wait long to realize its weakness and its impotence. The king, who easily had the advantage over it, had not much trouble to overthrow its power. He returned all the privileges to the nobility; he again placed the monks in possession of their convents and their holdings; the grandees were able to have the disposition of their numerous vassals; the monks were returned as masters of the spirit of the people, and the monarch soon found himself sufficiently powerful to be able to proscribe the generous and imprudent men who had desired to establish liberty in Spain, and who had made war on a nation whose assistance was indispensable to safely and fruitfully carry out their great work. Then they had invoked the support of the English government, whose counsels had directed their conduct, and who had appeared to fight only for their independence; but that government which had wished only to ruin Spain and to chase out the French, seeing that its aim was achieved, and that it had not a further interest to defend there, abandoned them to the fury of their enemy, and perhaps it has not seen the new misfortune which troubles Spain without a secret joy.²⁶

26. Ibid., pp. 198-99. Dunoyer was shocked at the treatment of the party of the Cortes, whom he described as the men who had resisted the oppression of Napoleon and had recalled Ferdinand; he observed that Spain "threatened to end in the most enslaving despotism or the most complete disorder." Ibid., p. 362.

Dunoyer concluded by questioning the results of the military campaign which England carried out in Spain, and which, along with the English general who commanded it, received so much publicity.

In what then consists the glory of this campaign and of that general? Is the peninsula which was delivered by Lord Wellington, better governed, more free, more happy? It would seem that the illustrious warrior had fought only for the cause of fanaticism, ignorance and barbarism. I seek the fruit of his triumph, and I find only the inquisition, despotism and feudalism raising again their hideous heads in the midst of the ruins with which his armies covered the peninsular.²⁷

Dunoyer was not satisfied to refer indirectly to the devastation which the English army, allied to the party of the Cortes, inflicted on Spain. He dealt with the barbarity of the English troops in Wellington's campaign. Since the English government betrayed the interests of the European peoples who had assisted in England's defense and final triumph, he believed these peoples knew how to expose the shameful conduct of England: "It is the first vengeance which they ought to extract for its perfidy." Dunoyer's review presented detailed quotations regarding the conduct of the English; he was "even more excited to make it known" because an unsuccessful attempt had been made to publish the book in England and because the facts involved were hardly known even among the French.

One sees by means of these facts what it is proper to think of these magnanimous liberators of Spain, of these illustrious defenders of the independence of peoples. The excesses which they committed at Badajoz and at Ciudad Rodrigo, pale before the horrors which they accomplished at San Sebastian, and the burning of Copenhagen and of Washington are crimes lacking renown and color compared with the destruction of that city.²⁸

Dunoyer thought that perhaps the destruction of San Sebastian was not generally well known due to the fact that it occurred toward the end of the war when the events in central Europe, following the

27. Ibid., p. 200.

28. "Tableau des excès qui les troupes anglo-portugaises ont commis à Saint-Sébastien, le 31 août 1813 et les jours suivants, mis sous les yeux de la nation espagnole par la municipalité constitutionnelle, le chapitre ecclésiastique, le conseil et les habitants de cette

retreat from Moscow, overshadowed the situation in Spain. To place the sack of San Sebastian in its proper magnitude Dunoyer related it to the better known sackings of Badajoz and Ciudad Rodrigo, for the latter of which Wellington received a dukedom. At Badajoz and at Ciudad Rodrigo the English army was out of hand for three whole days in 1812 committing pillage and violence. The Anglo-Portuguese army under the command of General Sir Thomas Graham began to besiege the French garrison in San Sebastian in the early days of July 1813. Both because the people of San Sebastian were opposed to French rule and looked favorably upon the siege by the allied army, and because the people had lavished great care on the allied prisoners who had been captured by the French during an unsuccessful assault on the city on July 25, Dunoyer suggested that the Anglo-Portuguese army was led against an allied population in a way that not even "an army of cannibals would be led toward the most furious enemy." 29

When the final assault was begun on August 31, 1813 Dunoyer noted the people of San Sebastian prayed for its success as a source of their safety and deliverance. As soon as the French were forced to retire from the city into the citadel, the people were said to be unable to contain their joy and waved their handkerchiefs from all the balconies. "However, the barbarians, senseless to such tender and lively demonstrations, responded to it by discharges of musketry." Dunoyer said that the English troops showered with gun fire the balconies and windows which were crowded in their welcome

28. (cont.) ville (Anne de 1814, en Tolosa: Par D. Francisco de la Lama, impresor de esta M. N. Y. M. L., provincia de Guipuscoa y sa junta diputacion). Censeur, III, 125-40, especially p. 129.

29. Ibid., p. 129.

and killed large numbers. This was followed by the violation of women, the massacre of men and the pillaging of property, in the midst of which a fire engulfed the city. Dunoyer presented in full the catalogue of horror which the English army inflicted and it must have been a very effective method of criticism of the English government. This is one of the most sensational examples:

One heard in all parts of the city the cries of women who they outraged, children and old people equally being exposed to the brutal lasciviousness of the soldiers; they violated wives in the presence of their husbands; young girls were dishonored before the eyes of their parents; one unfortunate saw her mother massacred and she was violated on her expiring body. On the first of September, at the break of day, one heard, at the corner of the rue Sainte-Catherine, a young girl uttering lamentable cries. Some hours later one saw her in the midst of a crowd of soldiers who came to gratify their brutality on her; they had tied her to a barrel; she was naked, lifeless, all bloody and pierced by bayonettes .. shame does not permit us to complete this; let us hasten to throw a veil on this hideous picture.³⁰

Dunoyer emphasized that not only were the priests singled out for attack and despoilation but most of the leading members of the party of the Cortes suffered death or grave wounds and ruination. While many were killed on the roads in flight, others who sought refuge in the sewers were drowned in a torrential storm. Meanwhile, Dunoyer continued, the fire, assisted by the English soldiers who danced around the flames, raged through the city, and the soldiers whom the English general had ordered to accompany workers whom the Alcaldes had appointed to contain the fire used the workers to discover houses to pillage and mistreated them until they fled. The English army, notwithstanding that the French did not fire from the citadel and no resistance was met, made no effort to fight the fire. What the assaulting troops failed to seize, the troops who had been stationed a league distant, rushed to pillage. Dunoyer

30. Ibid., pp. 131-32.

described the contractors of the English army carrying away the booty, and since the stolen goods were displayed and sold before the eyes of the quarter-master-general of the English army, there was a general belief that the sacking was authorized by the English generals. Finally, after the fire failed to spread as rapidly as desired, Dunoyer reported, the allied troops filled long cartridges with explosives which they threw into the remaining houses. Of the six hundred houses of this large commercial city, most of which were expensively built and decorated, only thirty-six remained. Dunoyer said that fifteen hundred families were left homeless and ruined, to the value of one hundred million reals, and there was destruction of priceless titles, registers, commercial books and the municipal archives.³¹

Dunoyer agreed with the leading citizens of San Sebastian that there was nothing in the blood-stained record of England and its allies as horrible as the sack of that city. He felt that it was too high a price to pay for five years of unbending loyalty to the patriotic cause and of courageous resistance to the French. Notwithstanding the terrors by which the allies repaid the devotion of San Sebastian to their cause, the citizens continued to proclaim the new constitution of the monarchy as the salutary basis for the reconstruction of their city and of Spain. Dunoyer concluded with some irony directed at Wellington. Referring to him by the title he was granted after the sacking of Ciudad Rodrigo, duke of Ciudad Rodrigo, Dunoyer quoted the statement of the people of San Sebastian to Wellington, that they would re-new the sacrifices which they had been forced to make if he thought it again necessary.³²

31. Ibid., pp. 133-38.

32. Ibid., pp. 133, 138-40.

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With reference to England's foreign policy, "the grave Censeur wrote: "The English have presented themselves mainly as liberators."³³ England's war against the United States increased Europe's doubts as to England's disinterested diplomacy. Dunoyer wrote extensively with regard to America, including England's relationship to the United States. His interest in the United state in his own writings and in articles, especially about Benjamin Franklin, which he published, reflected the interest in America on the part of the Ideologues under whom his early education was formed. J.-B. Say, editor of the Ideologue Decade, was critical of the Federalists and of the speculators in government business and securities who might introduce materialism and artificial fortunes destructive of capitalism in America. For Say, as for many French radicals, Rousseau was associated with Franklin (and later, Jefferson). The second part of Franklin's Autobiography was first printed by the Decade in 1798, under Say's editorship; he also printed various letters and essays of Franklin. Robert Fulton represented an ideal American with his industrial activities in Paris, his book on improvement of canal navigation, which Say reviewed, and his successful steamship sailing on the Seine. Say had sent Jefferson a copy of his Traité d'économie politique in 1803 accompanied by a letter saying: "The United States are the children of Europe; but the children are greater than the parents. We are old parents raised in foolish prejudices, chained by a mass of ancient fetters, and bound by a quantity of puerile considerations. You will show us the true ways to free ourselves from them. For you have done more than win your liberty; you have established it."³⁴

33. Reboul, Le Mythe Anglais, pp. 14-20, 60-65.

34. Durand Echeverria, Mirage in the West, A history of the French Image of American Society to 1815, Princeton, New Jersey, Princeton University Press, 1957, pp. 275, 216, 222-24, 232; Kitchin, La Decade, pp. 194-95.

For Say, America was the model of the young, fresh, active, unrefined society whose industrialism and libertarianism would contribute to human perfection. Say said in the Traité: "Here we indicate the point of contact between political economy and pure politics. Everyone is convinced that the sacrifices that the state of society imposes on us are especially the least where the government is best.... In which country is one best governed, that is to say least governed at the cheapest cost than in the United States?"³⁵

Dunoyer's discussion of the War of 1812 was based on an article by William Cobbett from his Weekly Political Register (April 30, 1814): "De la Politique des Anglais et de leur conduite envers les Américains."³⁶ Dunoyer noted that during the period when Napoleon's ambitions threatened the continental countries, England presented itself "especially as our liberators." The oppressed peoples of Europe accepted this view of England's role and "their calculated generosity found admirers even in the midst of France." But the "immense power of the Emperor vanished, and thereafter one has seen that the English, the pretended liberators, have become the masters of peoples who they said they wished to free." The Spanish people had a government imposed on them by force by the English, while England relieved Spain of its colonies. Holland was delivered at the cost of accepting England's domination. France was liberated from Napoleon at the price of losing one of its most productive provinces, Belgium. The colonies which were returned to France were either too difficult to conquer or easily seized in the future. He viewed the treaty of Paris of May 30 as placing France's army and wealth in the hands of the English.³⁷

35. Ernest Teilhac, L'Oeuvre économique de Jean-Baptiste Say, Paris, Librairie Felix Alcan, 1927, p. 176; J.-B. Say, Traité d'économie politique (Paris, 1803), I, 393.

The reality behind English policy, Dunoyer felt, was exposed by the English government's demand that "no people of Europe is able to give aid to the United States of America in a war in which those peoples fight only for their independence." Dunoyer desired to present an explanation of the causes of England's war with America, especially as only the Americans had remained undeceived by England's motives. Of the English leaders, Dunoyer said, "then one is able to see that these so generous men, who chose between a criminal and a virtuous action only after, having coldly calculated the results of one and the other have consented to the fall of a tyrant only to succeed to his tyranny, and to enslave with greater ease the only people who refuse to submit to their domination."³⁸

Dunoyer believed that the public opinion of Europe could understand the war against the United States by the comments of the English press. Dunoyer used several newspapers from England, but was most impressed by William Cobbett's opposition to the war in his Weekly Political Register (in 1815, he published his Letters on the Late War between the United States and Great Britain). The English government sought to use the war with America for a distraction of the English people. English opinion seemed to consider the defeat of the United States as not an important national object; but Dunoyer found there some exaltation in the hope for armed conquest by the forces which were styled "the conquerors of France." Dunoyer believed that the war could have been avoided although there had been Anglo-American conflict during the reign of George III since 1760.³⁹

36. Censeur, I, No. 12, 538-49.

37. Ibid., pp. 538-39.

38. Ibid., p. 539.

39. Ibid., pp. 540-41. Censeur, II, 39-57 reprinted extracts from William Cobbett's "Adresse à sa majesté Louis XVIII," which had been published originally in England and published in translation in the Lettres philosophiques.

The immediate cause of the War of 1812 was seen as the objection of the Americans to the orders-in-council which for two years were directed against American commerce and interfered with American ships on the high seas by the impressment of seamen from American ships. Cobbett, Dunoyer noted, said that the English naval officers "were not in a state to prove if the seamen that they seized were or were not British subjects." The English government claimed that the seamen might serve in the English navy as in any other, and did not deal with the arguments that the American vessels were treated as though they belonged to a colony whose interests were subordinate to the mother country. It was questioned whether it was not a humiliation to publicly use as a defense the fact that English seamen would do anything to escape English service and preferred to serve "in the American ships that one encounters in all parts of the World."⁴⁰

The various attempts by the United States to find a solution to the dispute and the English rejections of them were analyzed. Cobbett had emphasized that since the war in Europe ended England had no need for impressment and the cause of the war no longer was present. One of the lords of the admiralty could only explain that the continuation of the war was due to the desire to remove Mr. Madison. This was viewed as evidence of English intentions to exercise control over the American government. Dunoyer's suspicions regarding English purposes seemed justified by the English newspapers' support for the destruction of the American merchant marine, a dangerous commercial rival, which along with American ideological principles, could lead to its replacing England as the popular leader of liberalism in the world. The English press excited fears that unless America were re-conquered

40. Ibid., pp. 540-42.

or severely defeated, it would ally itself with a resurgent France to defeat England at sea.

There are men who wish to kill all Americans, only because they enjoy a perfect liberty, and are according to them, a dangerous example to the world. But these men are prudent: in advocating their abominable principles, they disguise them and are forced to state more delicate sentiments; they excite patriotic fears of the people that they have carried into this war, in presenting them the idea that, if America is not overthrown, or a least, defeated, in a few years it will be capable jointly with France, of defeating England on the ocean.⁴¹

It was recalled that at the beginning of the war the Times of London suggested that after the surrender of the American navy, it should be destroyed and Presidents Madison and Jefferson should be tried "as infamous conspirators." The English statements were viewed as better justification of the policy of the American administration than Madison and his followers could argue. Cobbett insisted that England's expenditure of hundreds of millions sterling and of thousands of lives could not defeat America with a population of eight million people and its great natural resources. The production of corn, wheat and grains in such unheard of abundance (Cobbett had spent half a dozen years in America before 1800 and was an enthusiastic proponent of introducing maize (Cobbett's corn) into England for which purpose he operated a seed-farm), the numerous rivers with great forests, would naturally lead America to the forefront of world commerce.⁴²

The war was viewed as unifying the republic which would otherwise divide into sections. Unity was a natural result of the English attitude which suggested America was a colony in revolt rather than an independent country. It was suggested that English disdain for Americans was unwise and highlighted the differences in social customs between Europe and America.

41. Ibid., pp. 543-44.

42. Ibid., pp. 544-45.

While European rulers spent lavishly to impress the populace, the Americans limited the means whereby a president could provide display; he was not provided with a large civil list.⁴³

Dunoyer returned to a discussion of the War of 1812 in the third volume of the Censeur. He saw the United States presenting a good example to the sovereigns who were gathered to balance the destiny of an agitated Europe: "alone, it battles advantageously against all the power of England." Dunoyer believed that if England did not conclude peace on honorable terms with the United States the war would become as disastrous for the government of England as the war in Spain was for Napoleon. A new defeat for the elite of the English army of Upper Canada when it attempted an unopposed invasion was reported; but it "fled before the republican militias."⁴⁴

In November, 1814 Dunoyer raised the possibility that the Americans would be able to ally with the Canadians to expell the English from Canada. However, he failed to see that the recent economic growth of the United States reduced rather than increased Canadian interest in association with a nation with similar constitutional foundations. For example, the jury system was singled out as providing the greatest safeguard of liberty and individual prosperity. Dunoyer provided the commentary for an article in volume two of the Censeur which was an abstract from a work on the United States. The anonymous author considered the recent increase in American commercial activity, which caused great changes in the martime cities, to be the greatest contribution to the peaceful development of the American people. "Soon the situation in Europe permitted them to participate in the commerce of both worlds, and they acquired a real importance in the balance of nations; but the passage from mediocrity to opulence has been too rapid." Dunoyer added that since the article was written the commerce of the United States had suffered an interruption by the war which caused Americans to concentrate

their business activities upon investment in agriculture and the manufacture of necessities. The prolongation of the war was viewed as a lost cause for England: "All the treasure of Great Britain, all the strength of its navies and of its armies, will fail before the energy of a free people, armed to maintain its just rights." However, he was pleased to learn that the English government was reported, in the negotiations leading to the treaty of Ghent (December 24, 1814), to have renounced its claims and to have "accepted the conditions of peace which are the most convenient to the United States. This result was inevitable."⁴⁵

Dunoyer had noted that when the trade in Negro slaves lost its value to the English, they enforced the laws against it, but had substituted the kidnapping of white sailors who were useful to them: "they ravished the whites whom they judged should be useful to them."⁴⁶ Dunoyer's opposition to slavery and his opposition to England's imposition of the suppression of the slave trade on other countries was evidenced in his discussions of the treaty of Paris of May 30, 1814. France agreed with England that it would suppress the slave trade (the treaty provided for the restoration to France of all colonies seized by England, except Tobago, Saint Lucia and Mauritius, and restored Guadeloupe by Sweden and French Guiana by Portugal). On the basis of a French translation of an English pamphlet of testimony before a committee of the House of Commons, Dunoyer commented on the slave trade and the treaty article in which France agreed to suppress it. He expressed his puzzlement that the French public accepted or were indifferent to the slave trade. While lack of information on the conditions

43. Ibid., pp. 545-49. This point reinforced the lead article in that twelfth number of the Censeur which concerned the debates in the French chamber of peers on the civil list. Ibid., pp. 522-35.

44. Censeur, III, 357-68. The defeat that Dunoyer refers to was the battle of Plattsburg, September 11, 1814.

under which the slave trade was accomplished was viewed as a factor, Dunoyer concluded that the chief cause of the French indifference was its association in the public mind with an official policy of the English government. In French eyes, the extent of English interest in the cause of the Negroes proportionately reduced the interest of the French. Dunoyer believed that there were good grounds for the French to doubt the good intentions of the English toward the Africans when the French prisoners of war were so badly mistreated by the English.

Our disbelief is perhaps natural enough, when we consider the pitiless manner in which they treated our prisoners in their frightful hulks of convict ships. The English people deserve not at all that the humanitarian sentiments that they loudly proclaim for the Blacks be believed, when they have treated the whites with such barbarity. However, it is not necessary that their inhumanity towards us render us cruel towards other people.⁴⁷

Dunoyer warned that the prejudices against the English which their actions in the recent war inspired in the French might cause the French to make as many mistakes as they did as a result of "the ridiculous infatuation which we had for them before the revolution." The pretense of liberal principles which the English government made led to a popularity for England among Europeans which Dunoyer thought could endanger France. The French should not be "servile imitators of England:" but they should not approve something only because England opposed it. France should align itself with world public opinion, and with the progress of Enlightenment and civilization.⁴⁸

45. Censeur, III, 367-68; "Observations générales sur les États-Unis. (Les observations sont extraites d'un voyage inédit, aux États-Unis.)," Censeur, II, 58-100. The author of the article spoke of the 1801 election as the last one implying the author was in America then but since returned to France, and wrote it before the election of 1804-05. The author may be Dupont de Nemours, who emigrated to the United States in 1799 and prepared a book on American education at the request of Jefferson: Sur l'éducation nationale dans les États-Unis d'Amérique (Philadelphia, 1800) which was serialized in Guizot's Annales de l'éducation III-IV during 1812-13. Dupont returned to France

The discussion of the slave trade was continued in a review of a book which had been translated from English into French from the 1789 London edition: Thomas Clarkson's Essai sur les désavantage politique de la traite des Negres.⁴⁹ Clarkson, who had been influenced by the American Anthony Benezet, won the prize in 1785 for an essay proposed by the vice-chancellor of Cambridge: "Is it right to make men slaves against their will?" He published many works on the subject including the Essay on the Impolicy of the Slave Trade which Dunoyer discussed. During the French Revolution Clarkson spent some time in Paris to gain support for abolition and met the leading advocates of the rights of the Blacks including the abbé Henri Grégoire, who became the constitutional bishop of Blois. Grégoire, with whom Dunoyer was acquainted, was a leading liberal in the Senate during the empire and the first Restoration, and was the probable influence on Dunoyer regarding this topic.⁵⁰

45. (cont.) in 1802, was there in the fall of 1814 and departed for America in the spring of 1815. Echeverria, Mirage in the West, p. 268.
46. Censeur, I, No. 12, 540-42.
47. Bulletin du Censeur, I, No. 10 (12-22 septembre), 71.
48. Ibid., p. 71.
49. Censeur, II, 156-75. ((con't. page 106A.))
50. Grégoire in March, 1796 founded a new Société des Amis des Amis Noirs (the original one had been founded by Brissot de Warville after his visit to English and American abolitionists in 1788). Among the members were Jean-Baptiste Say, the editor of the Décade philosophique, the journal of the Ideologues. The remarks of Say before the society in May, 1798, in Bibliothèque de Port-Royal, Rev. 171, no. 77, is noted in Necheles, The Abbe Grégoire, p. 168 n8. Grégoire also arranged to publicize the society's treatises in the Décade philosophique, a journal with which he had vague editorial connections. This same journal issued inexpensive reprints for the society." Ibid., p. 161. During the consulate Grégoire was reelected to the Legislative Body and then in December, 1801 to the Senate. Although a strong opponent of Napoleon, his friendship with Joseph Fouché provided him with some protection. At this period he wrote Apologie de las-Casas, évêque de Chiappe, Paris Baudouin, 1802, and De l'influence du christianisme sur l'aboition de l'esclavage of which the publication caused disputes. Grégoire assumed an active role in the Senate's constitution-making on the abdication of Napoleon in March, 1814. He published De la constitution française de l'an 1814, Paris, A. Egron, 1814, and De la domesticité chez les peuples anciens et modernes, Paris, A. Egron, 1814 (he continued that theme in De l'influence du Christianisme sur la condition des femmes, Paris, Baudouin Frères, 1821).

49. (cont.) Thomas Clarkson went to Paris in the summer of 1789 to work for abolition with the Société des Amis des Noirs among whose prominent members were Lafayette and Condorcet. Clarkson's publications were translated and he met with deputies, including Grégoire, whom he converted to abolitionism and who took an active role in the debates on the slave question led by Antoine-Pierre Barnave. Clarkson returned to Paris in August, 1814 in order to stimulate abolitionist interest among French public opinion. It is possible that Dunoyer met Clarkson at this time through Grégoire, whom Clarkson consulted on this visit and asked to translate English abolitionist writings. Ruth F. Necheles, The Abbe Grégoire, 1787-1851, Westport, Conn., Greenwood Publishing Corporation, 1971, pp. 60, 65-66, 68n13, 72-83, 198-201.

Dunoyer began his review of Clarkson's work by a lengthy quote from Montesquieu, Esprit des lois, t. 2, . 68. Montesquieu had noted that after exterminating the peoples of America, the Europeans had enslaved Africans to use their labor to clear and till the land of America. The Europeans believed that sugar prices would be too high if the African peoples were not enslaved to work the plantations. If he had to defend slavery, Montesquieu said, he would emphasize the difference in color and deny the possibility of Africans' having souls. In an ironical style, it was suggested that Negroes did not share a common blood with Europeans since if they, without the failings of Europeans, were men then it put in question whether Europeans with the practices they perpetrated were really Christians. Dunoyer's reaction to Montesquieu's statement was that while it was difficult to achieve so fine a satire, it would have been more difficult to make a more serious criticism of the totally odious and absurd practice of slavery. Dunoyer wondered how anyone claiming the use of reason could uphold slavery.

What! You see men violently torn away from their country, from their family, from their habits, from their affections; packed like animals, chained together in irons, in horrible prisons; in this state, and nearly deprived of air and of food, they are forced to undertake a voyage of several months; sold to colonists sometimes more barbarous than their ravishers; condemned to work all their lives harder than our galley-slaves, without any wages but whip blows, without consolation except contempt, without hope than of a quick death, and you ask if humanity suffers from this kind of unhappiness! What! the laws divine and human proscribe slavery in metropolitan France, and you doubt if it ought to be allowed in the colonies! Our laws punish the Frenchman who voluntarily alienates his liberty, and you do not know if it ought to support the burden of ending it among Africans: 51

Dunoyer recalls the argument that Africans were almost slaves in Africa so that it might be a service to provide them with this form of exile. He asked why then do they not flock upon European boats for transport to a different continent: "Why does one not see in Europe nor in any colonies anyone who voluntarily left Africa?" The argument for slavery that it was the normal result of the wars in Africa Dunoyer disposed of by noting that the wars and enslavement in Africa were mainly to satisfy the European demand for slaves. The African princes would have had little interest in wars for enslavement if the market had not been provided by Europeans. "Truly do you purchase only the men destined to death or condemned to slavery? How many free men do you not receive from the hands of violence or of avarice?" Any argument from the savagery of the Africans Dunoyer rebutted by the increase in savagery caused by the demand for slaves and the brutalization that this introduced reverse^{ing} the course of civilization.

You have arrived in the midst of them only as ravaging wolves, as ferocious beasts who flee after having seized their prey. You have only brought them the blessings of rapine, violence and brigandage; and however, despite these destructive lessons, you have not been able to destroy in them the germ of virtues which honors most of mankind. The most certain reports, the most respectable witnesses prove that they are, in general, tender, hospitable, generous, understanding, upright, especially in the countries where they have had little communication with white men; they prove equally that they lack not at all the aptitude to be instructed and to imitate our arts.⁵²

Referring to ancient history Dunoyer said that the ancestors of the Greeks were more barbarous than the Negroes of Senegal yet produced the greatest culture. He exclaimed:

Cease then to seek to justify an odious usage by still more odious pretexts; and if you continue to traffic in the blood and freedom of men, do not pretend that justice and humanity approves you; no more seek to render them accomplices of their infamy; and content yourself to draw your excuses in the interest of a false policy and in vain reasons of state.⁵³

52. Ibid., pp. 160-62.

53. Ibid., pp. 162-63.

Dunoyer emphasized that parallel arguments had been used by supporters of the treaty on the slave trade. But, Dunoyer noted that France's colonies were thought not to be able to survive the application of the treaty. He felt that the publicists' and moralists' arguments in France defending the treaty were similar to the reasoning that they applied to general political issues. "These men have a crowd of rules to determine what is good and what is bad! One sees them invoke, according to the circumstances, civil reason, political reason, religious reason, and whichever, as each of these reasons will be necessarily subordinate to a common end, that is to say, to the good of the state, it happens often to them to find politically excellent a thing which appears morally detestable to them."⁵⁴

Clarkson sought to prove two things: that England would not benefit from the slave trade, that the slave trade was the "grave yard of its sailors," and that the trade instead in natural resources of Africa would be equally advantageous; and that the abolition of the slave trade would be beneficial to the colonies and the metropolitan country. Dunoyer asked if the same result would apply to France. In contrast to England, France did not possess the numerous stations which England had on the coast of Africa.⁵⁵

While the English colonies in the West Indies were well supplied with cultivators for the plantations, France's colonies were labor deficient; in addition, France's West Indian islands seemed more important to it than England's colonies there. The center of England's colonial wealth seemed to be India; compared to India, the West Indies except for Jamaica were negligible.

⁵⁴. *Ibid.*, pp. 163-64.

⁵⁵. *Ibid.*, pp. 165-68; Dunoyer quoted the description of the English raid aimed at ending the peaceful commerce of the free Negro cultivators and the philanthropy of the French in West Africa: "One has not forgotten the excesses which were committed by the

Dunoyer drew the conclusion that England "gives the world, without it costing it anything, a great example of disinterest and humanity; also it puts the last stone to its reputation for philanthropy, and adds much, in consequence, to the popularity that it aspires to acquire among the peoples of Europe." Dunoyer believed England wished to see the end of other countries' commerce with Africa since only England controlled possessions there, and the colonies of other European countries in the West Indies would decline. He drew attention to England's world encompassing actions:

The power of that nation extends by immense ramifications in the four quarters of the globe; it accounts for nearly a thousand war ships; its flag floats on all the seas and in all the parts of the known world; and moreover its ambition is not satisfied, and it seems to bear envy still against us, and it is irritated to see that we wish to re-enter into possession of the colonies that it took from us, and that we are able to hope to see them reborn, and offer some weak resource to our commerce and our industry. It resembles an Avar, who, stated on the mound of gold, converts a penny that it sees in the hands of an unhappy person. All foreign prosperity excites its hate and jealousy; all happiness which is not its, becomes a calamity for it. It desires to be the sole center of commerce in the world, the sole manufacturing power in the world; it wishes to be able to go everywhere, to take as a prize all the objects necessary to its industry; to be able the more to inundate all the world with its manufacturing merchandise, to draw insensibly to it, in this way, the treasure of all peoples, and to have always at its disposal the means of corrupting them, of dividing them, of weakening them with the one or the other, and of holding them all in dependence or servitude.⁵⁵

Although article 12 of the treaty of Paris of May 30, 1814 ceded to France most of its colonies, Dunoyer believed that England was in a position and a disposition to prevent France from regaining them. The key issue for Dunoyer was that the colonies would be at England's mercy since France was placed at a disadvantage

55. (cont.) named Landolphe had founded at Ouare?"

56 Ibid., pp. 168-73.

with reference to naval power by the treaty. If France found itself again at war with England, French colonies would be unprotectable. Dunoyer asked why then was there any argument offered in support of the expensive transportation of further cultivators from Africa when the benefit would ultimately accrue to England due to its capacity to seize the West Indian colonies. Dunoyer's answer to the question was:

Fear not to say it, if there is a means then of conserving the colonies, it is not at all by carrying fresh slaves there; it is, on the contrary, by destroying slavery; it is by freeing the cultivators, by giving them a country, and by interesting them in defending it. It is thus also that Santo Domingo has been able to be preserved from the domination of the English; it is in freeing them that we have saved them; it is in wishing to make them returned to their chains that we had lost them; and it is difficult to believe that one intends to recover it, if one does not renounce enslaving it.⁵⁷

Dunoyer further expressed his thoughts on the subject of slavery and related the institution of slavery to the political institutions of Europe in a review of a book by the abbé Henri Grégoire.⁵⁸ Dunoyer, along with Grégoire, protested that the peace treaty would permit the continuation of the slave trade by France for five years. The absence of opposition to the slave trade among the French was contrasted to the English and the Americans who had abolished the slave trade. Dunoyer undertook to respond to one of the major excuses offered for slavery - that the cultivation of sugar involved work too heavy for Europeans. Dunoyer expressed astonishment at the excuse since the Africans weakened and enervated by slavery did not have more strength for work than vigorous and active Europeans. Dunoyer presented the explanation given to him by a colonial planter whom Dunoyer trusted more than any other planters. He claimed that ²Europeans, accustomed to self-
¹
 57. Ibid., pp. 174-75.

controlled work, applied himself with complete ardor and by the excess of perspiration used up his strength and became exhausted; while the Black slave expended only that part of strength he could not refuse, and his slow work conserved his strength. Dunoyer answered that ^{it} should be no problem for the European to control and to ease his ardor and his strength. He quoted from the report of Drouin de Bercy that settlers "indentured for thirty-six months, who were whites, did, in the origin of the establishment of Saint-Domingue, what today the Blacks do; even in our days, nearly all the inhabitants of the dependency of Grand-Anse, who in general are soldiers, workers or poor Basques, cultivate their farms with their own hands. Yes, I sustain it, and I had the experience: the whites are able, without fear, to cultivate the land of Saint-Domingue; they are able to labor in the plains from six in the morning until nine, and from four in the afternoon until the sun set. A white with his plough will do more work in one day than fifty Blacks with the hoe, and the earth will be better worked."⁵⁹

Dunoyer emphasized that the self-controlled ardor for work was not possessed solely by Europeans but by all men. Free labor was the basis for all of man's positive social relations. "Forbid a man this premier quality, he is forbidden the principle which constitutes man, and which is so necessary to his existence that, when he is deprived of it, he declines, he is affaced; he is no more than a machine moved by an impulsion which is not his own."

58. "De la traite et de l'esclavage des noirs et des blancs, par un ami des hommes de toutes les couleurs," Censeur, IV, 210-30; During the early Restoration Lac Fayette, Constant, Auguste de Staël, and de Broglie were active supporters of abolitionism. French journals for the most part refused writings on abolitionism, especially by Grégoire; thus, activity tended to be focused on translating English writings. Grégoire had been strongly opposed to the treaty due its provision continuing the slave trade for five years. In January, 1815 Grégoire anonymously published, De la traite de l'esclavage des noirs et des blancs; par un ami des hommes de toutes les couleurs, Paris, Adrien Egron, 1815, discussion of which the censors attempted to prohibit in French journals. Thomas Clarkson

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However, long slavery would last, Dunoyer believed that it could never entirely destroy the "sacred fire which sparks all the active faculties of the soul," freedom. But, the powerlessness to express freedom became a profound hatred: "it becomes deceitful, treacherous, spiteful, vindictive; lazy, slothful; finally it contracts all the vices which serve as pretexts for Europeans to enslave the Blacks, and which they have only because they are slaves."⁶⁰

Dunoyer noted that in Africa the civilization was so developed that there was an excess of population to furnish victims to the Europeans. But that under slavery, these same people did not reproduce themselves. Yet, once freed, despite internal conflicts and wars of invasion, "these former slaves, metamorphosed by liberty, into energetic men, vigorous and disciplined, have presented at the present time the aspect of a flourishing people who had known how to defend its liberty against the efforts of Bonaparte; its population has increased in place of diminishing." Dunoyer discussed the mission of General d'Auxion-Lavaisse sent by Louis XVIII to the Haitian government of Henri Christophe.⁶¹

Dunoyer presented an analysis of the slave trade in whites, with particular reference to the Irish under the yoke of the English government. The inconsistency of the English was emphasized in that while they sought the abolition of the slave trade in Blacks maintained the slavery of the Irish. This analysis led Dunoyer to note the resemblance between the treatment of European peoples by the governments and the enslavement of Blacks. In so far as there may be any differences, it was not in favor of the European peoples. Dunoyer compared the enslavement of gangs of Blacks with the stealing of Europeans to form gangs of soldiers (conscription). The planters' claims to the control of the soil and the produce of the labor of

59. Censeur, IV, 210-13.

60. Ibid., p. 214.

61. Ibid., pp. 215-22, 338-39.

the slaves was paralleled by the claims of governments to control of the soil and the product of the labor of the inhabitants. He noted that Bonaparte carried this to a new height as he counted his wealth solely in the number of soldiers that he had enslaved. But, Bonaparte carried the enslavement suffered by European peoples under the governments to the point where he considered everyone to be soldiers. The faculty of acting for oneself and by one's own will, which Dunoyer felt distinguished mankind, was totally negated by the institutions of the state. Regarding Bonaparte, Dunoyer said:

He wished in France that there be only soldiers, and he sought that all the work of the nation have for its ulterior end, war. He wished then to ravish from man his faculty to act wholly and entirely by his own will in order to make him the instrument of his will. He wished then to reduce the French and Europe to the last degree of servitude. Also he scorned fundamentally the human species; man was in his eyes only a vile cattle destined to be devoured in order to enslave new victims. But this extravagant colonist ended by ruining and losing his plantation in his wish to extend the number of the slaves that worked for him.⁶²

Dunoyer insisted that people must accept the blame for their own enslavement by governments. Government by its nature aggrandizes. If governments were not resisted, they increased their authority. If a government met no resistance by its own people, it would tend to seek to expand its power beyond its borders against other peoples. Where resistance had been offered in some countries of Europe to governments, the extent of enslavement had been moderated and representative assemblies and constitutions had been gained. Dunoyer attributed this to public opinion:

All individuals experience a sentiment of opposition against tyranny; from this results a general sentiment which forms what one calls opinion, against which all efforts of despotism are broken. One has said, with reason, that opinion is the queen of the world. In all times and among all peoples, the degree of arbitrary power is always in inverse proportion to the force of opinion.⁶³

62. *Ibid.*, pp. 223-26. For a similar inter-relating of the treatment of European peoples and African slaves in the New World by Denis Diderot, see Anthony Struvenell. *Diderot's Politics, A study of*

Despotism operated through a system of subordinate slaves who exercised tyranny over the next rank of slaves. Where there is no resistance, Dunoyer found all "in a state of servility, immobility and torpor." The exercise of power, in his view, was the natural impulse of governors, it was merely their regular trade. But, the natural impulse of mankind was to resist the governors.

It is to man in his turn to make his own trade. If he does not oppose with the common effort of opinion, if that opinion is not dishonored by base courtesans and adulators, if it does not cover with opprobrium the representation which, by baseness or ambition, aids to rivet the irons of those whom it ought to defend the rights, despotism then uses its right of conquest.⁶⁴

Such resistance had been manifested in Europe during the French Revolution and limitations on servitude had been achieved. These limitations on servitude were the basis on which the French, Italians, Spanish, Germans and even Americans were resisting the reactionary governments' "new revolution." "But in the midst of this energetic and nearly universal movement of the peoples of Europe and of America toward a state of things more worthy of humanity, one still sees some princes who, isolated with their courtiers in the midst of an immense population, arrogantly reclaim the title of legitimate and irremovable master of five, of ten, of twenty million men."⁶⁵ The "new revolutionaries" sought to separate the kings from the cause of the people. He found them attempting to exclude rulers, freely elected, from the councils of princes, to deny the title of legitimacy which the people had recognized in these kings, and to not recognize them

⁶³. Censeur, IV, 226-28.

⁶⁴. Ibid., pp. 228-29.

⁶⁵. Censeur, II, 354.

as powers when they command powerful armies, "While a prince thrown from his throne, exiled, proscribed, loses all of his individual weaknesses and is all of a sudden, in their eyes, a power and a legitimate king."⁶⁶

While ten nations sought passionately for liberty, Dunoyer found the princes gathered at the Congress of Vienna were seeking the exculsion from the Congress of two new princes, apparently Murat and the king of Saxony, and their expulsion from their thrones because they were of "revolutionary manufacture," and owed their authority solely to the people. This would form the final work of re-establishing absolutism and of destroying the accomplishments of the French Revolution. While Dunoyer could not believe that the sovereigns at Vienna shared views equal to those on which the treaty of Pilnitz was based, he considered it sufficient to raise the rulers to respect the peoples' rights to "recall that a single nation, fighting for its independence, was sufficient to make all the kings of Europe tremble on their thrones, and that the sentiment by which that nation was animated has become that of the peoples of the two worlds."⁶⁷

Dunoyer was especially interested in the kinds of advice which the princes at the Congress of Vienna were receiving and wished to alert the French public in this matter, Dunoyer called attention to manuscript copies (which were in public circulation in Paris) of a letter post-marked Frankfort-am-Main, May 8, 1814 to général comte de Langeron, and attributed to the abbé Sabatier de Castres (1742-1817, author of Three centuries of literature (Tableau de l'esprit des nos écrivains depuis Francois I jusqu'en 1772)). The letter's purpose had been to communicate to the powers

66. Ibid., p. 355.

67. Ibid., pp. 357-58.

of the coalition which opposed France the truths about the philosophes and was an expression of the "passion for public good" which tormented the author. Dunoyer was struck by the author's claim that the hatred of the enemies of France was justified ~~as~~ since the time of Richelieu, France had continually disturbed the peace of Europe. Dunoyer suggested that the author recall who were the rulers of France since the time of Richelieu. For one hundred and fifty years it was the men of the king who governed, while the revolution had broken with this aggressive tradition along with the other traditions of the feudal past.

Was it not the Constituent Assembly which had decreed that France would never make war except in its defense; and if that resolution was not followed, is it not the fault of the powers who, during the revolution, had resolved to invade France and to partition our territory? 68

Dunoyer found important the proposal which the author wished to make known to the "Nesselrods" and the "Castelereahs" in their deliberations on the future of Europe at the Congress of Vienna. The author was said to have

fears that his prophetic vocation is wanting, if he dared not say what all enlightened authors thought, and that, should he be deprived even to his death of the recompenses that he deserved from the sovereigns and from the rich landholders, he would not cease to repeat that civilized Europe will soon cease to exist if one did not secretly take prompt measures to exterminate to the very last one the revolutionaries known as such. 69

He admitted that there had not been a favorable period in which to launch a new Saint-Bartholomew's day, but that since that occasion had passed the author was likely to "be long tormented by his passion for the public good." However, Dunoyer warned his readers that such an attack was not impossible.

68. Ibid., pp. 357-58.

69. Ibid., p. 359.

Dunoyer agreed that there was good foundation for the author's hatred for revolutionaries, "that is to say against all those who do not wish to be serfs," since the promoters of revolutions denied that people were the divinely ordained property of their chiefs and affirmed that sovereignty resided in people. The author was fearful that another revolution would follow the Restoration since the king's party was not the stronger one, and he pitied the king and his court as they were abandoned at the very moment that despotism was able and desired to be saved "by furnishing it with eighty or a hundred thousand cossacks to assist the royalists to accomplish the counter-revolution." Dunoyer questioned whether "a constitution and a throne re-established in France by cossacks and by royalists such as the author of the letter, would have a long duration." Dunoyer noted the author's belief that England had acted disadvantageously for itself when it decided against re-establishing despotism in France on the grounds that this was the best way "of subjecting its rival, France, and of being revenged on her under the appearance of the greatest generosity." and that if Russia had aided the royalists it would have been in a position to easily conquer the world, not to say France. From which, Dunoyer decided, "the passion for public good when it is anti-philosophe is nothing but an immoderate desire to see the French exterminated."⁷⁰

The disciples of the philosophes, "of the Voltaires, the Turgots, the Maleherbes," were the objects of that author's deep hatred; he charged that "philosophy ought to cause the depopulation of Europe." Dunoyer responded that one must then conclude that "the sole means of preventing so destructive an unhappiness is to multiply the abbés, and to promptly re-establish the monks." Dunoyer indicated limited surprise that violent

sentiments of treasons, confiscations, and executions were proposed in the name of justice, religion and humanity. But, the issue which seemed especially striking to Dunoyer concerned the author's attitude toward the peace treaty and the Allied occupation of Paris. The treaty between the Allies and the Senate was viewed as banishing peace from Europe for another century. Even a merely formal accommodation with the institutions of the agents of the revolution was seen as a betrayal of the cause of absolutism and legitimacy, the cause of the Allies, Dunoyer questioned whether the burning of Paris and extermination of its citizens would have been necessary "to calm the passion for the public good by which the abbe' claims to be tormented?" That author's despair over the failure of the Allies to return France to the state of things in 1789 and over the restrictions placed on the royal power caused Dunoyer to suggest that for the royalists there could be no happiness if France was not returned to despotism and "if the tithe, feudalism, torture, secret procedures, and the lettres de cachet are not re-established."⁷¹

The emergence of disagreements at the Congress of Vienna, and France's attempt to gain recognition as one of the deciding powers of the concert of Europe raised important questions for the Censeur. An article which seems to have been written by Charles Comte: Considerations sur la situation de l'Europe, sur la cause de ses guerres et sur les moyens d'y mettre fin,⁷² asked on what terms should France become an ally of England? The Censeur desired England to grant continental states the right to participate fully in world trade without restrictions. In general, it was asked whether all the continental powers would not allow England unchallenged control of the sea and monopoly

71. Ibid., pp 358-62.

72. Censeur, III, 1-41.

of commerce, since the power of England was less burdensome and less destructive than that of Napoleon. "The English wish to have a vast state on the continent; they wish to keep in an exclusive way the sovereignty of the seas and the advantages of commerce; they make war on their American brothers because these wish to enjoy the right that nature seemed to have given to all peoples." While some might believe that England would renounce its monopolistic claims, the Censeur thought it unlikely as it then might be impossible for England to "sustain its credit and to pay the interest on its enormous debt."⁷³

England could easily be veracious in the face of the disunity of Europe. During the French Revolution and the Empire, territories and even the existence of several old states had disappeared and many different nationalities and territories had been mixed together. Since the abdication of Napoleon, some states wished to rule once again their old domains while those among them which were stronger wished to keep what they had usurped. Old monarchs sought restoration, while new rulers who had detached themselves from Napoleon wished to remain in place. Europe was neither in a state conducive to peace nor was it united against England. All of Italy was seen as a natural ally of England. Murat retained the throne of Naples through England's diplomatic and naval assistance. Genoa was under England's influence, and the Adriatic was dominated by the English base at Corfu. The discontent of the people of Lombardy under Austrian occupation was thought to be ripe for rebellion at a word from the English. England, it was concluded, could count on an army of one hundred thousand Italians. In Spain, support by England of the party of the Cortes would maintain civil war against the restored monarchy. Sweden and Denmark shared interests with-

73. Ibid., pp. 17-18.

England, while Holland and the Low Countries had an army which would support England. Even Turkey was described as an ally of England since it owed its role in Europe to English support. As to France, it was considered difficult to decide which alliance would be more distasteful, one with England, or one with the Eastern powers.⁷⁴

The effects of the deliberations at the Congress of Vienna were treated by Dunoyer in the Politique Européenne, in the Censeur's third volume's Bulletin, 12-novembre-20 decembre.⁷⁵ Rather than making peace, every power at the Congress was seeking its aggrandizement at the expense of some weaker state. Dunoyer noted that Prince Repnin sought the annexation of Saxony to Prussia, while Poland was to remain under foreign rule. He considered the attempted annexation of Saxony by Prussia as one of the worst examples of the great powers' usurpations. The wish to depose the king of Saxony was due to his adherence to his treaty obligations with France and his not becoming allied with the sovereigns against France. "If reason were able to be understood in the midst of an assembly of diplomats," Dunoyer suggested that the sovereigns might recall that he had only ceded to the necessity of force in which he was only following the example which the sovereigns themselves had set when the French armies had been victorious at the battles of Lutzen and Bautzen and occupied their provinces. Like those sovereigns, he noted that the king of Saxony made peace with the ruler of Europe in order to protect his people from the ravages of war. His fidelity to these treaties with a friendly power could not be a crime unless the sovereigns were repudiating their

"beautiful moral sentiments which were to regenerate politics and to serve to rule governments." Finally, he suggested that the self-styled liberators of the peoples consult the Saxons on their choice of ruler; they were especially entitled to this as their unexpected defection at the battle of Leipsic had caused the allied victory. Such a consultation it was predicted would indicate a preference for the king of Saxony since "he had protected talents, encouraged industry, introduced economy into his finances and order into his administration; he had respected the laws and made them respected."⁷⁵

Even more odious, Dunoyer insisted, was the attempt to end the independence of the Swiss Republic. Although the rumor of this proposed crime had not been confirmed officially, "what act of oppression is capable of astonishing us at this time." Not only was Switzerland innocent of anything which might serve as a pretext for such a crime, but the Swiss cantons were deserving of reward for the service which they performed guiding the allied armies through the Alps without which they success in the last invasion of France would have been doubtful. Likewise, Dunoyer was disturbed by the powers' determination to extinguish the independence of the Republic of Geneva and to annex it to Piedmont. Dunoyer found little consolation when he turned his "attention to Italy, that beautiful country whence still lives such glorious remembrances." Believing the allies' promises, he said, the Italians expected their rights to be respected and their long awaited independence to be achieved, But, they were condemned again to foreign rule. Only the disposition of the kingdom of Naples or rather of Murat was uncertain and led to

75. Ibid., pp. 359-61.

conjectures so numerous as to "open a vast field of speculation for novelists." The leader of a large and disciplined army, Murat was not disposed to give up his throne. "The Isle of Elba is an abode for which he shows little inclination; and at least if he does not abandon himself, or if he is not abandoned by his generals, there is some appearance that the Congress of Vienna has some regard for him. If he were weak, it would be something else again."⁷⁶

In contrast to the great changes which covered Europe, Dunoyer found that Turkey remained "immobile." It was a common opinion that the Turks adhered to the Muslim system of fatalism and considered human affairs to happen without motivation. While Turkey was indifferent to events around it and was determined by the actions of the great powers which were its neighbors. Dunoyer thought the Turks merely waited for the renewal of war among the Europeans. He believed that the Sublime Porte had pursued a foreign policy contrary to its interests considering the aims and the strength of Russia.

Does Russia, which abandoned Germany to the ambition of Prussia and Austria, not hope to be compensated at Turkey's expense? When the flag of the Tsars floats over the towers of Saint-Sophia, the balance of power will be broken. Was Jean-Jacques Rousseau a prophet? and will the conquerors of Europe come forth ~~once~~ again from the deserts of Tartary? ⁷⁷

In all, Dunoyer considered the conduct of England the most worthy of attention since it had "covered the Peninsula with troops and raised up every nation against France." England claimed its sole purpose was assuring freedom and independence to European peoples, without any reward but to "acquire more durable glory than that of conquests." In the midst of the crisis which followed the

76. Ibid., pp. 360-65.

77. Ibid., pp. 366-67.

withdrawal of Napoleon's army into France, the disinterested and moral attitude of England was welcomed as a contrast to the cunning and narrow policy which its famous statesmen had until then pursued.

All interest was turned toward England, as toward the last bulwark of freedom; and when the power of the Emperor Napoleon fell before the united efforts of twenty different peoples, when it had no longer been a question then of being just and humane, all Europe was raised to hope to see the solemn promises of the English government accomplished.⁷⁸

But the English government was viewed by Dunoyer as having disappointed all hopes, even those of the English people by the extravagance of its demands. Dunoyer felt that the debates in the English parliament indicated that the revolutionary ideas which had been inspiring peoples had influenced some of the rulers. The opposition in the English parliament bitterly reproached the ministry for "its inordinate ambition and its contempt for the independence of nations." Not only did England seek to monopolize the oceans, but it wished to become a continental power by aggrandizing the Electorate of Hanover by the annexation of neighboring provinces. To achieve this, the English delegation in Vienna was willing to accede to the usurpation of the other powers.⁷⁹

For Dunoyer, the reaction which was taking place in the various countries of Europe, and which was being legitimized at the Congress of Vienna, was not only futile but also contributed to the instability under which Europe continued to suffer.

All Europe has arrived at an epoch where it is as impossible for governments, where ever they may be, to make servitude loved as it is to make disorder loved. The troubles of exile, the horrors of prison, the axe of the executioner, far from consolidating, weakens the power which makes use of them. One kills men, one will never be able to kill truth.⁸⁰

78. *Ibid.*, pp. 357-59.

79. *Ibid.*, pp. 358-59.

80. *Ibid.*, p. 364.

While this seemed the best time to establish peace and to found the friendship of peoples on a permanent base, Dunoyer concluded "that it is at least doubtful that the scourge of war had disappeared for long from the countries which suffered still from the effects of its ravages." The sovereigns assembled at Vienna were dominated by ministers whose major occupation was to show that they were necessary. Dunoyer did not think they would undertake the statemanship necessary to achieve peace on the basis of respecting the rights of independence of peoples. Dunoyer prophesized:

The word peace in the mouths of these negotiators is only a bitter irony; they still need terrible lessons from experience. Whom the gods would destroy, they first make mad.⁸¹

Equally disturbed that the Congress of Vienna would fail to adopt the correct principles was Louis-Gabriel-Ambroise, Vicomte de Bonald. In a review-article of de Bonald's Réflexions sur l'intérêt général de l'Europe, suivies de quelques considérations sur la noblesse,⁸² Dunoyer's treatment of international relations reflected the influence on him of Constant's L'Esprit de conquête. De Bonald sought to show how the Congress of Vienna could end the course of revolutions and of wars which had disturbed the interior tranquility of states and the amity of peoples. De Bonald had posited religion and monarchy as the basis of medieval European society which had been overthrown by the reformation of Martin Luther. After a century and a half of wars, a general pacification was proposed at the congress of Westphalia; but according to de Bonald, the "spirit of the reformation dominated it, and one made peace without destroying the principle of war." Lacking a general system of unity, the

81. Ibid., pp. 367-68.

82. Censeur, IV., 133-209; Bela Menczer, Catholic Political Thought, 1789-1848, London, Burns Oates, 1952, pp. 77-79; Henri Moulinié, De Bonald, Paris, Librairie Felix Alcan, 1915; Moulinié, Lettres du Vicomte de Bonald, Paris, Librairie Felix Alcan, 1915; and Bruce Mazlish, Burke, Bonald and De Maistre: A Study in Conservatism, New York, Columbia University Press, 1955, pp. 66-86.

powers sought to achieve peace by the balance of power. "But, this new system, far from assuring peace, only served to organize war and to render it nearly permanent. All the powers remained armed." The balance of power became a pretext for the ambitious to look forward to a universal domination. De Bonald saw the wars of the French Revolution and Napoleon as continuations of the wars of religion: "The war which came to a conclusion has been a war of irreligion, excited by the claimed philosophique doctrines, which are only themselves a degeneration of the Reform and the last consequences of its dogmas." Thus, de Bonald viewed the objective of the Congress of Vienna to be the destruction of philosophique doctrines and the ending of the balance of power. Dumoyer was especially impressed by de Bonald's citation of a passage of Voltaire that the balance of power did not form any obstacle to war.⁸³

Dumoyer felt that de Bonald's thought was best expressed, in his view that the family as an organization was the basis of the state and that Christian states formed "a great family composed of the most aged and most young, the strong and the weak, the great and little." Since for de Bonald a family requires an absolute ruler, the Christian family of states required the rule of the Pope. However, de Bonald's more practical recommendations centered on preventing war through making France a completed society. For that purpose, de Bonald requested the Congress of Vienna to grant to France its natural borders, especially along the Rhine. De Bonald insisted that rather than fearing France, the princes at the Congress of Vienna should fear the principles of revolution which carried France through Europe. England's fear of France's commercial and industrial strength had led England to take the wrong measures in limiting French commerce; England should seek rather to maintain

in France the institutions which gave to the spirits and habits of the French a different direction than industry and commerce, Indeed, Dunoyer noted that de Bonald felt that England would find its greatest threat in its own industry and commerce: "England ought only to fear it in itself and its constitution. The evil of a commercial state, is, according to M. de Bonald, to be condemned to make war. Commerce which philosophie had proclaimed as the universal bond of peoples, was, but its nature, a necessary state of hostility, when it was even, between the merchants established in the same city, in a habitual state of competition."⁸⁴

Thus, to convince the Congress of Vienna to return to France the Belgian provinces de Bonald advocated the restoration of the Old Regime in France, which he described as a completed society, a closed society. Dunoyer quoted de Bonald's proposal adding his own observations in parentheses: "having nothing to fear, nothing to desire, nothing to acquire and nothing to lose, tranquil with all its neighbors ..., it is able to act on itself and to employ its natural talents and its acquired knowledges to fully repair (that is to say without doubt to retract all which has been done since twenty-five years) ...; to heal the wounds made against religion (that is to say to return to the clergy possession of its ancient wealth) ...; to repair the blows carried against property (that is to say to annul all the sales of national lands)."⁸⁵

Dunoyer was strongly struck by de Bonald's response to the expansion of population which accompanied the industrialization of France. De Bonald underlined the opposition between the society in France which emerged from the progress of industry and the feudal society which he wished restored. De Bonald contrasted the institutions and customs which were engendered by industry and those engendered by

84. Ibid., pp. 138-42.

85. Ibid., pp. 140-44.

feudalism which in religion provided "these institutions and those customs which impose other engagements and inspire other tastes than those of marriage," and in politics "those immense feudal estates, true granaries of abundance, which feed the indigent class, and had prevented growth among them." Dunoyer commented: "That passage makes it clearly enough seen that, in the system of M. de Bonald, the multiplication of monks and the progressive decrease of the population will be one of the most great means of conducting society to perfection." De Bonald strongly advocated the creation of a corporation of nobles who would have a monopoly of the offices of power in the state.⁸⁶

De Bonald held that the liberal ideas which he was combatting were based on the philosophique doctrines which had caused the wars of the revolution. Dunoyer challenged de Bonald's interpretation of recent French history. De Bonald had supported all the wars of France for a century previous to the revolution because they were justly seeking to complete the border of Gaul, the Rhine frontier. Dunoyer emphasized that in 1791 the first use that was made of the liberty derived from philosophique doctrines was the decree not to undertake offensive war. Dunoyer asked de Bonald whether it had been philosophique doctrines which led thousands of Frenchmen to leave their motherland in order to create enemies against it among the ^Peo_Ales of Europe, which formed the oath of Coblentz and the coalition of Pilnitz, which led the Prussian army into France and caused the manifesto of the duke of Brunswick to be issued. Dunoyer continued:

And if the nation, justly indignant at seeing its territory invaded and its liberty menaced at the moment when it came to legislate that it would never make an unjust war, responded with furor against the enemies who, for the price of its moderation, came to devast it and to enslave it; if it covered with their blood the soil of its land; if, in defending its independence, it cause great evils to Europe, is it then the crime of philosophy? strange accusation, that of M. de Bonald! The defenders of liberty have only sought to repell odious aggressions, and he wished to make a crime of their resistance! 87

Dunoyer distinguished between the defensive wars fought under the Republic and the wars of Napoleon which lacked the justice of the earlier wars. Dunoyer denounced any association of Napoleon with philosophy which he had violently attacked: "philosophy and liberty had not at all entered into the wars undertaken by Bonaparte." Dunoyer suggested that if Bonaparte had been less the absolute prince proposed by de Bonald, liberty and free institutions would have prevented the wars about which de Bonald complained. Dunoyer supported the popular institutions and the spirit of commerce against which de Bonald argued as "popular and presbyterian institutions" which would lead to "vile and shameful future wars for sugar, coffee, cotton and salt fish." Dunoyer agreed with de Bonald's formulation that the effect of liberty was to create the spirit of commerce and industry. Dunoyer said: "a people, by the very fact that it is free, ought to raise itself naturally to all the professions which are able to extend the circles of its enjoyments, and that commerce is one of the most suitable to that end."⁸⁸

In addition to reflecting the observations of Constant, Dunoyer was expressing the analysis of economic relations which had been pioneered by Adam Smith and developed in France by Jean-Baptiste Say, showing the advantages for each party in international division of labor and commerce. Dunoyer emphasized that de Bonald started with a deep prejudice against commerce and men who engaged in trade and industry, and failed to have any conception that rather than hostility commerce by necessity brought men together. Dunoyer noted that it was where people were not free and did not enjoy liberty that commerce could be the subject of

86. *Ibid.*, pp. 145-46, 197-209.

87. *Ibid.*, pp. 147-53.

88. *Ibid.*, pp. 158-62.

conflict between nations. Dunoyer believed that if the major European nations established free institutions including freedom of trade, England's commitment to economic monopoly might be a cause of war. But, he hoped that the new direction which liberty gave to the spirit of European peoples would cause the development both of commerce and a commercial spirit, a spirit enlightened as to true interests. This enlightenment would prevent England from dividing the European peoples and by their unity European peoples would cause England to end its monopolistic claims.⁸⁹

Having challenged de Bonald's claim that it was philosophique doctrines rather than despotic governments which caused wars, Dunoyer praised de Bonald's criticism of the system of balance of power. Dunoyer expressed the fear that the Congress of Vienna was seeking a new balance of power, rather than a general pacification. The balance of power system required that all the interests and passions of the lesser powers on each side perfectly join together. While the natural tendency of the powers of each side to seek a preponderant position operates, any powers left outside the system would cause discord. England's claim to commercial monopoly gave it an interest to keep the continent distracted by a continued policy of perpetual war. A principle objective of international relations for Dunoyer was to prevent England from applying its means to excite wars. However sensible Dunoyer found de Bonald's critique of the balance of power concept, he did not accept de Bonald's alternative - grant France its natural frontiers and restore the closed society of the Old Regime, so that France could make disinterested interventions in the affairs of other states, and restore the ascendancy of the Holy See over European

89. Ibid., pp. 163-66.

states. On the latter point, Dunoyer presented the views offered by de Bonald in his Essai historique sur la puissance temporelle des papes.⁹⁰

Even should the proposals of de Bonald have been accepted, Dunoyer asked what was the necessity of these proposals. He found that the nations of Europe were not at all natural enemies, but were united by many ideas, many feelings and many common interests. The prosperity of each people was interrelated with the prosperity of all other peoples. Dunoyer said:

The peoples are then naturally united, and it is a question of only preventing their chiefs from troubling their unity; but the organization of a central government, such as the European parliament of M. de Saint-Simon, or the sovereignty of the Pope of M. de Bonald, does not seem at all necessary for that; one would have done enough, it seems, to assure peace, if, in each state, one had created the institution proper to control the passions of government.⁹¹

Dunoyer added that as a step in that direction national representations would have to be established in each country and in addition to contributing to limiting the power of governments, the representatives would exercise a strong influence on foreign relations. Dunoyer noted that this matter had been discussed in that same volume (IV) of the Censeur in the analysis which was made of the writing on European reorganization by Henri de Saint-Simon. As the signature of that review, G. F., has been attributed to one of the editors, as it was customary for Comte and Dunoyer to refer to their own articles in subsequent articles they wrote, and as the style of G. F.'s articles appears to be that of Dunoyer, the review is analyzed as part of Dunoyer's work. "De la réorganisation de la société européenne par M. le comte de Saint-Simon et par Thierry"⁹² had been published in October, 1814.

90. Ibid., pp. 167-88. Regarding the Rhine frontier, Dunoyer noted that should England take Belgium the line of Marshal Vauban would be demanded. He insisted France would not feel completed by the Rhine frontier; it would not be completed at the Elbe, but seek to extend from the Atlantic Ocean to the Gulf of Venice, and from the

Comte and Dunoyer had published in volume three of the Censeur the "Lettre de M. le comte de Saint-Simon, sur l'établissement du parti de l'opposition."⁹³ It contained some ideas which were part of a larger scheme of Saint-Simon which formed an article by him in volume four of the Censeur: "Projet d'une association des propriétaires de domaines nationaux."⁹⁴ The Bulletin of volume four of the Censeur contained parts of Saint-Simon's Prospectus d'un ouvrage ayant pour titre: Le Défenseur des propriétaires de domaines nationaux ou Recherches sur les causes du discrédit dans lequel sont tombées les propriétés nationales, et sur les moyens d'élever ces propriétés à la même valeur que les propriétés patrimoniales which was to appear bi-monthly until the price of national lands reached the price of feudal lands.⁹⁵

The publication of articles authored by Saint-Simon and Augustin Thierry in the Censeur was part of a close association between Saint-Simon, Thierry, Comte and Dunoyer which lasted for several years. Some of the activity of Saint-Simon and Thierry was undertaken from the offices of Dunoyer and Comte who appear to have placed their physical facilities as well as their intellectual faculties at the disposal of Saint-Simon during the period in which he was associated with Augustin Thierry; and when Thierry terminated his association with Saint-Simon in the spring of 1817, the former remained closely associated with Dunoyer and Comte becoming their deputy as editor of the Censeur Européen for several years.⁹⁶

90. (cont) Mediterranean to the Baltic. Having half of Germany under its dominion, France would make of Poland an advanced mounted sentinel. He added that with the absolute monarchy proposed by de Bonald, Europe would be even more alarmed to cede Belgium to France. Ibid., pp. 193-95.

91. Ibid., pp. 188-89.

92. Censeur, IV, 63-87; Saint-Simon, Oeuvres, Paris, E. Dentu, 1868, I, 150-248, noted citations in Censeur, IV, 63-87 and 189. F. H. Hinsley, Power and the Pursuit of Peace, Cambridge, at the University Press, 1967, pp. 102-12.

93. Censeur, III, 334-56; this is noted in Saint-Simon, Oeuvres, II, 6.

94. Censeur, IV, 10-31; Saint-Simon, Oeuvres, II, 7.

Augustin Thierry was praised in the review's concluding sentence: the student and collaborator of Saint-Simon "had the right to our praises for the part which he had taken in this work." This appeared to attribute to Thierry the strong, simple and precise manner in which the book was written. That was very different than the works of Saint-Simon before Thierry became associated with him in 1814. The review noted that the humanistic viewpoint in the book imposed respect. That viewpoint and the major themes in the book were expressions of the attitude of Saint-Simon, and they were generally found lacking in depth or in practicality. At one level, the review seems an attempt at instruction of Saint-Simon in a medium he might be more willing to accept than criticism in conversation. This aspect may explain the use of 'house-initials' as signature

95. Censeur, IV, 352-64; Saint-Simon, Oeuvres, II, 8.

96. Rulon Nephi Smithson, Augustin Thierry, Social and Political Consciousness in the Evolution of a Historical Method, Genève, Librairie Droz, 1972, 9-75; Friedrich Engel-Janosi, Four Studies in French Romantic Historical Writing, Baltimore, The Johns Hopkins Press, 1955, pp. 88-120; Kieran Joseph Carroll, Some Aspects of the Historical Thought of Augustin Thierry (1795-1856), Washington D. C., The Catholic University of America Press, 1951, pp. 1-21; F. A. Hayek, The Counter-Revolution of Science, Glencoe, Illinois, The Free Press, 1952, pp. 117-42; Robert Fossart, "La théorie des classes chez Guizot et Thierry," La Pensée, 59 (Janvier-Février 1955), 59-69. "After the fall of the Empire, three men aspired to the leadership of pacific liberalism. There were, first, two young lawyers turned journalists, Charles Comte and Charles Dunoyer, who founded a periodical called Le Censeur (The Censor) to propagate their ideas. Then there was Count Henri de Saint-Simon, an older man who had not yet succeeded in satisfying the literary and scientific ambitions that consumed him.... At the same time, Saint-Simon, Augustin Thierry, Charles Comte, and Dunoyer discovered that positive politics was political economy, the principles of which had been set out by Adam Smith and J.-B. Say. ... In 1816 and 1817 - influenced perhaps by Augustin Thierry, Charles Comte, and Dunoyer - he [Saint-Simon] had gone as far along the liberal road as he would ever go. He had just broken with Augustin Thierry precisely because Thierry's intransigent liberalism was incompatible with Saint-Simon's views on the importance of ideas of authority and discipline in politics. ... In the following year - at a time when he had actually broken with Augustin Thierry - Saint-Simon declared expressly that it was from Charles Comte that he had taken the distinction, thereafter fundamental in his social philosophy, between two irreducibly distinct regimes, one "military or governmental," the other "liberal and industrial." From Saint-Simon, the distinction was transmitted to Auguste Comte; from Auguste Comte to Buckle, and from Buckle to Herbert Spencer, who gave it world-wide popularity." Elie Halévy, The era of tyrannies, Garden

Saint-Simon is told that his writing, however well-reasoned, appears unreasonable and encouraged ridicule because he did not maintain the necessary separation between political theory and actual politics. While political theory concerned "the nature of the social compact, and the reciprocal rights of governments and peoples," practical political analysis concerned the politics and the institutions as they existed and "of Europe at this epoch, in this situation and in this circumstance." Political theory is drawn relatively quickly as a building drawn on paper with compass and ruler: practical politics is built painfully and slowly, Saint-Simon was told, on imperfect terrain with "material prepared the greater part of times for other usages." Saint-Simon appeared to be an "architect reckless enough to attempt to subordinate the practical to the rigorous designs of the theoretical." Saint-Simon's "beautiful conceptions" "anticipated vainly the slow march of centuries." That situation compounded the injustice of the ministry instructing journalists to say anything bad and say nothing good about that work. To do justice to the work the review disregarded Saint-Simon's practical suggestions and concentrated on his political theory.⁹⁷

All societies, the review noted, were founded as federations of men; the social compact was based upon the principle of association. A major motive for confederations in modern times was the achievement of peaceful relations in freedom and without domination; the United States, Holland, and Switzerland were presented as example. Peace was necessary due to the development of commerce and industry. "However, it is very certain that all peoples have a common need for peace and tranquility; the more civilization, commerce, industries and the arts are perfected, the more war becomes wasteful to them."⁹⁸

97. Censeur, IV, 63-66.

98. Ibid., pp. 67-69.

The contrast which Constant had drawn in L'Esprit de conquête between the ancients and the moderns was strongly described to show the importance of industry for modern peoples. The "ancient peoples of Greece and Italy,"

by their situation, by their habits, by the consequence of the extreme imperfection of their commerce and of their industry, came to love war with a passion; it was on war chiefly that they founded their public revenue, and nearly their subsistence. But, we, what a difference! What so pressing need have we to go to engorge ourselves? The Greeks and the Romans were born soldiers; we are born artisans, manufacturers, merchants, laborers. ...99

But, it is certain that the progress of enlightenment, the good example given by certain nations, the universally felt need for order, the daily development of diverse parts of the social economy call ceaselessly among peoples still submitted to illegitimate governments to the great reforms which France came to sustain. It is a necessary revolution, but which should be slow, moderate, insensible. 100

Europe's hope was seen as the development of constitutional government with strict observation of the law and ministerial responsibility to parliament. France's constitutional system under the Charte was still untested. If the executive would view the attribution of the power to make war and peace as a nominal one, the reliance on the legislative body was more likely to contribute to peace. England was proposed as an example of such constitutional practice; and if European states adopted such constitutional practices England would lose its interest in domination and profit from not being excluded in the future from civilized European society "as a devouring ulcer." But, England offered the best proof of the good influence that representative institutions exercised on foreign relations. The motions against the usurpations of the Congress of Vienna of Samuel Whitbread (1758-1815) in the house of commons were strongly commended. "Does one believe that if, in France, the Flaugergues, the Bedochs, the

99. Ibid., pp. 69-70.

100. Ibid., pp. 71-72.

Raynoulds, and if in Russia, in Prussia, in Spain, in Austria, the men of this temper received the positions of representatives, they would have responded to the noble movement of the English opposition."¹⁰¹

It was noted that Saint-Simon failed to propose the model of the United States. The American constitution was established by the states because "these nations sought to simplify their diplomacy by bringing together more their representatives." Thus, the European parliaments and congresses of European states should be composed, as in America, of cultivators and merchants. Peace would be the general objective of such representatives because among modern and commercial peoples there was not the vice of ambition to conquer. Constant's concept of the spirit of commerce and industry among modern peoples as a source of peace was the standard against which events were judged by the Censeur. In contrast to Constant's method and approach, Saint-Simon's were found very much lacking. Saint-Simon's proposals for contemporary Europe were lacking in practicality. As a result of his theories, Saint-Simon proposed a joint parliament drawn from the French and English parliaments with a joining of their public debts. Saint-Simon's tendency to leave some ideas too sketchy and others, as the fixing in advance of the revenues of the members of a European parliament, too much developed, was criticized. It was noted that Saint-Simon tended to look to organization per se. Saint-Simon, as de Bonald, sought inspiration in the feudal system of the high middle ages when "the popes directed princes and peoples." Saint-Simon's view that this caused peace was challenged on the ground that there were not nation-states to carry out large wars but only a multitude of petty princes to carry out

101. Ibid., pp. 75-77.

small wars. Saint-Simon's seeking of over-arching concepts and his lack of use of historical facts were seen as weaknesses in his approach. These were failings which were not applicable to Constant whose careful and deep analysis commanded the respect of Comte and Dunoyer.¹⁰²

Along side the theoretical debates, in the reality of European politics of the early months of 1815, Dunoyer found much about which to be disquiet. While the peace between England and America gave France the opportunity to establish very agreeable relations with the Americans with special benefit to French commerce, the extension of arbitrary government in Spain, Italy and Germany did not offer hope for France. Dunoyer asked why if legitimacy was the dominant principle in Europe Charles IV had not been returned to the Spanish throne. But, the region of Italy seemed to him the place of greatest danger and agitation. He feared a political crisis of the highest importance: "The century of revolutions is perhaps not yet terminated."¹⁰³

When Dunoyer's ^{essays} were being read, Napoleon Bonaparte had already landed on the coast of France on March 1, 1815 and the news of it had reached Paris on March 5. Louis XVIII left Paris on March 20, finally settling at Ghent, just ahead of the returning entourage of Bonaparte. Dunoyer presented his analysis of the Politique Européenne after the arrival of Napoleon had interrupted the deliberations of the Congress of Vienna in the Bulletin (5 mars. - 18 avril 1815.). The Congress had concentrated on the establishment of the "decreed religion of absolute power, that it had preached the mysteries of it," throughout the states of Europe and had "consacrated the maximes of it by fears of

102. Ibid., pp. 78-86.

103. Censeur, IV, 336-44.

spoliations, by the obvious violations of the liberty of peoples, and by an open traffic in human heads." Dunoyer described Napoleon's return in religious terms: that he was declared "anathema" by the "pontifexs" because he had become an outlaw and disturber of the peace by overthrowing a king "by the grace of God" making himself a king "by the grace of the People." For this, the coalition powers had begun "to raise against him a war of extermination." However, the coalition declared that they did not wish to make war against France.¹⁰⁴

Meanwhile, Dunoyer noted, Napoleon announced that the reasons for overthrow of the royal government were to regain lost rights, protect those which were threatened, and maintain the institutions which observed those rights. For that purpose he called on the French to arm themselves against the coalition kings' invasion: "and while these monarchs announced that they will bring us our liberty, Napoleon excites us to oppose them to save our independence. The only prospect that France could expect was to become the "theatre of an atrocious war," and from it France would experience ruin and servitude "if it counts more on the governments than on itself, and attaches its safety and its liberty to their promises more than to its reason and its energy." Dunoyer emphasized that the French could place no confidence in the promises of the coalition powers which at Vienna had violated all the previous promises and "who have wished to partition Europe's population as one partitions a great side of cattle." Dunoyer singled out the treatment of Poland, Saxony and Genoa as representative of the Congress of Vienna's denial of the views of the people, and he added:

104. Censeur, V, 322-23.

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who far from giving to peoples' institutions favorable to their liberty which they had announced, have suffered that the kings of Spain and Piedmont establish in their states the most violent and most stupid despotisms; who, finally, since ten months that they were assembled, have not taken a single generous resolution, and only have worked for the peace of Europe by seeking to render it to its ancient chains, after having strongly renewed and strengthened them.105

Dunoyer declared that the Restoration monarchies were worse than the feudal monarchies which had been replaced by the revolutions. The monarch and his ministers made the laws, interpreted them and executed them, and arbitrarily disposed of armies and treasuries. The constituted bodies were instruments of the ministers and the judicial bodies were denied independence and became tribunals of exception. Dunoyer concluded: "in a word, it is an absolute monarchy."

It was that against which the enlightened men of the continent made, for a century, a war of opinion, against which our revolution ought to have achieved the destruction, and which the Congress of Vienna had imagined the silly thought of reestablishing.106

Dunoyer quoted a speech of Lord Castlereagh before the house of commons on April 7 declaring the Vienna Congress' objective to be "to reduce Europe to that ancient social system which had been destroyed by the great convulsions."

Dunoyer felt that absolute monarchy was an especially barbarous form of government similar to that of the grand sultan and his visirs, the ministers. For Dunoyer, the major influence at the Congress of Vienna was the previous paymaster of the coalition, England:

Finally, Great Britain which is free has an immense interest that the situation not be changed at all; because it keeps the peoples of the continent in a state of weakness and misery which places all in its dependence, and renders them necessarily tributary to its industry. Also the court of England and all the courts of the continent have made the most constant efforts to maintain it; they have always had intelligence in this regard, and the politics of the cabinets has been a sort of free masonry destined to tie all the kings by the maxims of absolute power. They have always been requested to unite to maintain these maxims; it was to defend them that they formed already the alliance of Chaumont, that since they had coalisced at Pilnitz, and that they finally came to form at Vienna a new league.107

The objective of the coalition princes was viewed as the overthrow of the liberty of the French and the greater activity of the French to achieve liberty was seen as signifying the greater desire of the powers to destroy it if they could conquer the French. At the same time, Dunoyer demanded that the new imperial regime of the Hundred Days guarantee the liberty which Frenchmen would have to fight to maintain. He said:

Our greatest interest is then evidently to repel that odious league which announced liberty to us, and which is able to carry us only to servitude. But we have a great interest also in assuring ourselves that our efforts will not be lost for the country; it is necessary that we know with certitude what will be the recompense; it is necessary that laws be returned to us which were ravished from us; all imperfect that they were, they offered us yet more of a guarantee than simple promises; and without doubt, one would not wish France to shed its blood for a constitution in the abstract.¹⁰⁸

Dunoyer undertook in May, 1815 a serious analysis of France's foreign policy and the threat of the invasion by the coalition powers. He briefly discussed the work of Saint-Simon and Augustin Thierry, Opinion sur les mesures à prendre contre la coalition de 1815. Saint-Simon and Thierry continued to advocate the alliance of England and France, and merely adjusted the theme to the new situation - the threat of foreign invasion during the Hundred Days. They opposed an alliance between France and Austria because the principles and spirit of sovereignty in Austria would be transmitted to the French government. In the view of Saint-Simon and Thierry, which was published on May 18, the coalition powers led by Austria were opposed to the principles of France and since Napoleon would prefer an alliance with Austria since England would never ally with him Napoleon would be opposed to the principles of France and support the principles of the kings opposed to France.¹⁰⁹

105. Ibid., pp. 324-26.

106. Ibid., pp. 326-27.

107. Ibid., pp. 327-28.

108. Ibid., pp. 328-29.

109. Censeur, VI, 322-23.

In the sixth volume of the Conseur's Bulletin (19 avril - 1er juin 1815.) Dunoyer discussed: "Quelle doit être la conduite de la France à l'égard des puissances étrangères?"¹¹⁰ The Moniteur of May 29 had given strong attention to a letter from Vienna from Lord Clancarty to Castlereagh. Napoleon had written the Prince Regent of England that he would maintain peace and observe the 1814 treaty of Paris, and Caulaincourt, French foreign minister, had written to Metternick in a similar vein. But the coalition powers had held to their declaration of March 13, which declared hostility to Napoleon and his supporters. Dunoyer concluded that the coalition powers considered Napoleon as the obstacle to peace and that they would carry war into the midst of France to destroy that obstacle to their peace. The coalition and France equally desired peace and equally desired that Napoleon not overthrow the states of Europe:

However, their armies and ours are in each others' presence, and the blood of a million soldiers will be spent. What is then the cause of the war? A single man. How is one able to avoid it? In placing this man in the impossibility of troubling the peace of Europe. All peoples desire that he be placed in that impossibility? Yes, all peoples desire it. Why then is there no accord? It is that one wishing to arrive at the same aim, they do not look at all to be agreed on the means.¹¹¹

Dunoyer demanded to know why, if in 1814 Napoleon had abdicated to prevent civil war and foreign invasion, he continued to try to rule in 1815: "Is the country less dear to him this year than last year, or when an abdication in favor of the Bourbons appeared to be preferable to abdication in favor of his son?" The claim of the coalition powers that they did not intend to make war on France but only on Napoleon was accepted. Dunoyer was much disturbed by the specter of the attempt to bring

110. Ibid., pp. 304-19.

111. Ibid., pp. 311-12, 304-11.

peace and tranquillity to Europe by the deaths of millions of soldiers. But, he did not think that the courts of Europe were using the return of Napoleon as a pretext: "We believe then that they desire sincerely to consolidate the peace of Europe; and it is in that supposition that we will examine what comes to be made from it."¹¹²

Dunoyer said that a government was capable of disturbing by arms the peace of its neighbors only by bribing foreign powers to act for it, as England did, or by invasion by its own soldiers. He did not believe that the coalition powers feared Napoleon acting through foreign powers as the coalition included all the powers. The coalition powers feared an invasion by French armies, and sought to prevent Napoleon having that capacity. The coalition powers had three means available to them: exclude Napoleon, destroy the French armies, or establish in France institutions so that the chief of state could not order the French armies beyond its frontiers. Dunoyer doubted that it would be proposed to destroy the armies of France. He denied that the expulsion of Napoleon would assure peace for any successor would have the same passions unless he were imposed by the great powers in which case the throne would not be long lasting.

In supposing in effect that Napoleon ought to be overthrown, it is necessary that France chooses itself whom it is able to give to itself as another chief. But if that chief conserves the same authority that his predecessor had, will he guarantee to the coalition princes that he will not attempt to make war against them, and to get vengeance for France for the humiliations that it had suffered? Is it necessary that, for their own security, we will change our prince every time that they seek it, and that we will take as a leader a monk, or a committee of merchants of London, according as they be able to arrange them? ¹¹³

112. *Ibid.*, pp. 312-14.

113. *Ibid.*, pp. 315-16.

Dunoyer insisted that common sense and experience showed that peace between peoples could not be based on a war of extermination but only upon good harmony between peoples. Peace could be durable only if peoples imposed restrictions on governments so that they could not create wars. All the powers of Europe feared France and required guarantees from France. But, for Dunoyer, lasting guarantees required institutions to prevent the government from undertaking military activity. If institutions severely limiting the power of the government in foreign or military affairs were founded the coalition powers would have no reason to undertake their invasion of France to overthrow Napoleon.

What does it mean, in effect, to the coalition powers that France is governed by Napoleon or that he governs Elba, if he is not able to make more evil against them from one country or from another? Without doubt, they do not place all the peoples of Europe in arms in order to exercise against him personal venges; without doubt, when they manifest to the eyes of their peoples the desire to reestablish order and to consolidate peace, they have not the secret intention of overthrowing the world and rendering war eternal. Eh bien! if the desire that they manifest is sincere, nothing is so easy as to satisfy them; it is sufficient that France, in leaving Napoleon at the head of its government, forbid him the power to undertake anything against the independence of foreign countries.¹¹⁴

Dunoyer could not answer whether Napoleon would accept institutions severely limiting government power, but he considered it imperative that the people's representatives propose it to Napoleon. If he rejected the proposal, the fears of the coalition powers were well founded and the security of Frenchmen required that Napoleon be removed from the throne. If he accepted it, the coalition powers must deposit its arms or expose the belief that their aim was to destroy the independence of France.

Dunoyer did not attempt a thorough discussion of the methods to insure that the government would not disturb the "tranquility of our neighbors." Institutions which obviated any arbitrary actions against the will of any citizen and his property was a beginning. He recommended the execution of article 50 of the constitution of the Year Eight which provided that declarations of war could be made only by virtue of a special law. In any case, Dunoyer considered prompt action to be necessary in view of the foreign situation. However, since relations between peoples was controlled by governments, the coalition powers had rejected the envoys sent by Napoleon. He recommended that the people's representatives send deputies to the foreign powers ^{so that the latter could} negotiate directly with the French people. If the coalition powers refused to deal with the French people's representatives, "the results of that démarche will teach us if it is France or Napoleon that the coalition powers place outside the law of nations." Following the defeat of the French army at Waterloo, the coalition powers moved toward Paris and Napoleon abdicated in favor of his son, the king of Rome, on June 22, 1815.¹

CENSEUR'S FUTILE STRUGGLE FOR FREEDOM OF THE PRESS: DUNOYER DURING THE HUNDRED DAYS AND THE SECOND RESTORATION

Between the first news on March 5 that Napoleon had landed and his arrival in Paris on March 20, Dunoyer and Comte undertook a more daring political journalism. Their struggle to defend constitutionalism against the Bourbons was not interrupted by their violent criticisms of the Hundred Days. The temporary seizure of the Censeur by the new imperial regime did not lessen their defense of constitutionalism at the beginning of the second Bourbon Restoration or save the Censeur from suspension by the royalist reaction of 1815. Napoleon entered Paris soon after the publication (March 17) of Charles Comte's pamphlet: De l'impossibilité d'établir un gouvernement sous un chef militaire et particulièrement sous Napoléon. Comte criticized Bourbon government but noted that its weakness gave some guarantee against despotism while a military regime would be strong enough to suppress liberty. Comte declared that under the Charte it was possible to hope for protection of individual rights in contrast to the return of Bonaparte's despotism. Comte's pamphlet went through three editions in a few days.¹

1. Benjamin Constant quoted at length the very favorable comments on Comte's pamphlet by John Cam Hobhouse, Substance of some letters, written by an Englishman resident at Paris, during the last reign of Emperor Napoleon (2 vols., London, 1816), I, 162; and Constant called attention to a speech of the minister of the interior on March 13, 1815 praising the support for the Bourbon monarchy of "the constitutional writers, in the first rank of which one must place M. Comte." Comte's pamphlet was seized in December, 1815 when it was re-issued under the second Bourbon Restoration. Benjamin Constant, Mémoires sur les Cent-Jours (commentaires de O. Pozzo di Borgo), Paris, Chez Jean-Jacques Pauvert, 1961, Première Partie, pp. 56-57, 71, 244-45, notes 44, 45.

Dunoyer and Comte in the first four volumes of the Censeur had shown their strongest opposition and showered their greatest criticism upon Bonaparte and the supporters of the imperial government. Eugene Hatin noted: "Le Censeur had been created by two of those young men to whom the imperial despotism contradicted all their ideas, revolted all their sentiments, and who despite their patriotism, had seen in the day of March 31, the signal of universal deliverance." Hatin described the Censeur's total condemnation of the imperial government during the first Restoration.² Paul Thureau-Dangin emphasized that the "Censeur thundered against "l'usurpateur,"" and commented:

From twenty periodical papers of the Left, one is at pains to account two or three which showed hostility to the Empire. Of that number was the Censeur. Indignant, in its sincerity, at the recantation of Bonapartists, it advised its readers "to defy these men who seem to embrace liberty because the power of oppressing their fellow citizens was taken from them." "That one must be on guard about it," it added, "that one who does not love liberty only because he does not find it possible to live in arbitrariness will not know how to belong for a long time to the new cause that it appears to have embraced."³

On March 19, 1815 Dunoyer and Comte had undertaken to prosecute before the courts an editor of the Quotidienne who they claimed had defamed them by accusing them of being accomplices in the return of Bonaparte. The Quotidienne accused Dunoyer and Comte of being favorable to Bonaparte's return because they had predicted that they would be the outcome of royalist reactionary policies. Dunoyer insisted that the success of the return of Napoleon did not change his view that the charge of Bonapartism was a deformation. The case was presented to the courts as a calomny even after March 20, 1815, and was maintained throughout the Hundred Days, for they "acted always without regard to the moment or to the peril." Mignet declared:

2. Eugene Hutin, La presse sous la Restauration, t. VIII, 82-86.

3. Paul Thureau-Dangin, Le Parti Libéral sous la Restauration, pp. 11, 70-71.

A very royalist journal, la Quotidienne, accused MM. Comte and Dunoyer of being the secret accomplices of a movement of which they were opponents. To believe that they would support in silence such an accusation was to very badly understand them. They presented it to the courts, and on March 19, on the eve even of the day when Napoleon, already at Fontainebleau, came to re-enter the Tuileries, Charles Dunoyer pleaded passionately against the journalist, prosecuting him for calomny before the criminal court. But the judges placed between Louis XVIII who was going to depart and Napoleon who was going to arrive, feared without doubt to displease by their decision either the royalty which succumbed or to the empire which was reviving itself, and prudently, they adjourned that decision in the hopes perhaps that, Napoleon being anew on the throne, MM. Dunoyer and Comte would not strain to injure him by having contributed to make the case re-argued. That was not so. ⁴

But, the accused journalist and the judges had not yet a true sense of Dunoyer's and Comte's spirit and independence, and the case contributed a great deal to increase their reputation and their enemies. Mignet commented elsewhere on the delicate position in which the judges found themselves:

Placed between the government which existed still, and the government which would come to exist soon, they came to experience some embarrassment to pronounce themselves what was a crime today would be title of honor tomorrow. The prudence of the accused journalist made the case difficult. He demanded the adjournment of the sentence, in the hope that it would be too late as well as impossible to elicit it as to render it. He badly understood MM. Comte and Dunoyer and their opinionated intrepidity. Called before the court when the emperor had remounted the throne, in order to withdraw a plea which had become without a purpose, they persisted in it, making inscribed on the clerk's registry that, "if the imputation of having cooperated in the re-establishment of the imperial government did not at all expose them to penalty, that of having looked to overthrow the established government exposed them to public contempt." ⁵

During the Hundred Days, Dunoyer and Comte had refused to leave Paris or suspend the publication of the Censeur, for which they were condemned by royalists, and they refused to support the new imperial regime, for which they were criticized by Bonapartists.

4. Mignet, Nouveaux éloges historiques, pp. 251-52; Alfred Nettement Histoire de la Restauration, Paris, Jacques Lecoivre et Cit., 1860, II, 267-68.
5. Mignet, Portraits et notices historiques, II, 90-91.

Hatin, among others, has attacked the liberal opposition under the Hundred Days as non-patriots; he objected to the Censeur's criticisms of the imperial regime as French troops moved to the frontier to meet the Allied armies before Waterloo. The Censeur made quips about "De l'influence de la moustache sur le raisonnement, et de la necessite du sabre dans l'administration," which were welcomed at the exiled royal court at Ghent. More fundamental was Dunoyer's and Comte's questioning the legitimacy of the imperial regime of the Hundred Days.

April 20, one month after the return from Elba, the Censeur said: "The government is only a provisional government. Little importance that Napoleon has been proclaimed emperor by the army and by the inhabitants of the country through which he passed; little importance that the coalition powers had or had not held to the conventions that they had made with him: France does not belong to the soldiers, nor to the inhabitants which were found on the route from Cannes to Paris."⁶

When in the later half of April, 1815, the fifth volume of the Censeur was published, there was a delay in its distribution due to a temporary confiscation by the imperial police. The placing of responsibility for this action has been the subject of controversy. Dunoyer and others placed the responsibility for the seizure on Joseph Fouché, duc d'Angoulême, who was once more minister of police under Napoleon.

Le Censeur, which was heard every hour to reprimand so vigorously the newspapers on their pusillanimity, and without doubt which proved to them how far one was able to be so bold. It is said that Fouché, wishing to attach himself the editors of that paper, had offered to them the editorship of the Moniteur; then, on their refusal, had given them the choice of places which would be agreeable to them. But Comte and Dunoyer had rebuffed these offers, and they had remained inflexible in their opposition to the imperial government, an opposition which, it is very necessary to say, was not under the circumstances, very intelligent or very patriotic.⁷

6. Hatin, La presse sous la Restauration, p. 127.

7. Ibid., p. 127. "Avant-propos," Censeur Européen, I, xi.

Henry Houssaye, 1815, Paris, Perrin et Cie., 1896, pp. 529-30.

Alfred Nettement emphasized that the liberals and constitutionalists who took office during the Hundred Days found the Censeur "a competitive force" before public opinion. He noted Fouché offered to Comte and Dunoyer the direction of the Moniteur or a place of their choice in the administrative or judiciary: "Fouché was mistaken. The two publicists declined all propositions and asked to continue their work. The fifth volume of the Censeur would have appeared April 6, said the two stoics, and they had not a moment to lose to give the last hand to the correction of their proofs."⁸ Mignet explained:

From adversaries so intractable there was too much to fear that one not at all attempt to win them over. An adroit minister, who had exercised the facile art after the revolutions to impose silence on ideas by addressing himself to interest, believed that these rigid writers were not any more inaccessible than others to his seductions. He made them come several times before him. After having praised them for their patriotism and their courage, he asked them, in the name of the emperor, what was able to be agreeable to them. - "A good government for a free France," they replied, "and for us the peaceful continuation of our work." They resisted all flatteries as well as all offers.⁹

When Fouché failed in his attempt to rally Dunoyer and Comte to support for the imperial regime of the Hundred Days, he tried to apply intimidations by confiscation the fifth volume of the Censeur. According to Mignet:

8. Nettement, Histoire de la Restauration, p. 268.

9. Mignet, Portraits et notices historiques, II, 91; "After the emperor was returned as master, nothing was forgotten to win them to his cause. A minister habituated in the art of addressing himself to interests and of seducing men, the duc d'Otrante, made them the most brilliant offers, several times renewed, for them to serve the empire, transformed, he said, by liberty. They responded continually that their sole ambition was to continue under the empire, if it became liberal, their journal with the same independence of which they had enjoyed under the constitutional regime of monarchy." Mignet, Nouveaux éloges historiques, p. 251.

Not being able to stifle their rude independence, the same minister sought to shackle it. He had the fifth volume of the Censeur seized; in it the acts of the re-established empire were discussed as hardly as had been but lately those of restored royalty. M. Comte betook himself immediately to the office of the prefect of police, and demanded the seized volume. - "If we have badly deduced," he said, "it is necessary to refute us; if we have rendered ourselves culpable, it is necessary to punish us. The minister believes that his menaces will have more impact on us than his offers; he deceives himself. Under the last reign we had been threatened with being assassinated by the fanatics, and we had laughed at their daggers. Today, I declare to you that I mock equally the bayonets of Bonaparte." - "Ah! you ask to be a martyr," replied the prefect. - "I do not hasten after it," responded M. Comte, "but I do not fear it."¹⁰

Nettement explained that after the seizure of the Censeur Dunoyer and Comte were ordered to surrender to the prefect of police, Count Réal, who sent them again to Fouché, with the recommendation that they compromise. Comte and Dunoyer agreed to accept the government's suppressions on the condition that they were allowed to publicize the seizure and the suppressions. This was not acceptable to the minister of police.¹¹ The most recent study of Fouché during the Hundred Days, by Ray Ellsworth Cubberly, has said regarding the contacts regarding the Censeur between Fouché and Dunoyer and Comte (whom Cubberly calls Lecomte):

Fearing their criticisms, Fouché wished to obtain their neutrality and made overtures to them proposing that they assume the editorship of the Moniteur, formerly the official journal, or any other position which they desired. They refused, proclaiming, "The Minister of Police is a friend of liberty, but only of liberty after the fashion of M. Fouché." ... Fouché ordered the entire issue seized on the stands and decreed the arrest of the editors. Lecomte protested that while the government had the right to prosecute him for his opinions it had no right to seize the newspaper. This action aroused liberals throughout Paris and many complaints were addressed to the Minister of Police. His close friend, the marquis de Custine, no friend of revolution, wrote him a strongly worded letter protesting this return to despotism. Fouché felt obliged to defend himself and replied, "I am sending you the work you requested and I condemn you to read it in order to expiate your evil thoughts. You are right to fear despotism, but be even more wary of anarchy. It is works like the Censeur which led us to 1793." ¹²

10. Mignet, Portraits et notices historiques, II, 92.

11. Nettement, Histoire de la Restauration, pp. 268-69.

12. Ray Ellsworth Cubberly, The Role of Fouché during the Hundred Days, Madison, Wisconsin, History Department, University of Wisconsin, The State Historical Society of Wisconsin, 1969.

Fouche was using very broad definitions of 'anarchy' and 'revolution' to encompass the Censeur. To Fouche's charges, Cubberly responded that the Censeur was "a well-worded and well-thoughtout indictment of despotic governments." "Public clamor soon obtained the release of Lecomte and Dunoyer, and the seized edition of the newspaper was allowed to circulate. ... Fouche, who had alleged the orders of the Emperor in seizing the Censeur, posed everywhere as the defender of the liberty of the press."¹³ Fouche placed the responsibility for the seizure of the fifth volume of the Censeur on the comte Real, who had formerly been Fouche's chief aide in the imperial ministry of police and whom Napoleon had appointed prefect of police during the Hundred Days as a counter-weight to Fouche. Emile Le Gallo, who viewed the Censeur's opposition to the censorship as reflecting the middle class's disenchantment with the first Restoration which led to the return from Elba, claimed that Fouche desired an independent press and had gained an ending to the censorship. Le Gallo adds:

From the beginning of April, the Censeur, which was sustained by Fouche, mocked the power of Napoleon as a provisional work of soldiers and "inhabitants who were found on the route from Cannes to Paris." Soon it was seized at the request "of a subordinate magistrate," or following Fouche, by the order of the prefect of police, "that hare-brained de Real," the number was returned on the intervention of Benjamin Constant and of Regnaud de Saint-Jean-d'Angely, who showed the Emperor that assertions of Comte and Dunoyer did not at all violate the laws. Despite this act of indulgence, the two writers prided themselves on railing against the army and proposed the institution of the order of the Sabre, to the great joy of royalists, who were indignant at "the insolence of the military and the hope of conquest which they caused in France."¹⁴

13. Ibid., pp. 41-43. Cubberly described the contents of volume five of the Censeur as "articles on the limits of the sovereign power and its duties to the state in a constitutional monarchy, the duties and responsibilities of a legislature, the limits which separate the two powers, and, ironically, a carefully worded essay on the liberty of the press praising the existing regime for its circumspection." The postmaster-general, comte de Lavallette, refused delivery of the paper: "See Moniteur of 4 July 1815. The editors of the Censeur claimed in the Moniteur that the Postal Department refused to send out their newspaper and that this constituted a violation of the liberty of the press. Ibid., pp. 40-42.

While the maintenance of some forms of opposition press may have been considered useful to Fouché, his vindictive attitude toward Dunoyer and Comte during the royalist reaction of the summer of 1815, suggests that the independence of the Censeur was not the opposition Fouché intended. Indeed, hostility toward Dunoyer and Comte was indicated when elements in the imperial government, seeking to embarrass them, re-called to the courts their suit against an editor of the Quotidienne.¹⁵ Rather than Fouché, it was liberal members of the Hundred Days regime who responded to liberal opinion in Paris supporting the Censeur. "Then the two publicists addressed themselves to the partisans of the Emperor, who had surrendered themselves as guaranties of the liberalism of their master. These, in the number of which was Labédoyère, realized the moral responsibility which they fostered, and interfered with such ardour that they had the seizure revoked."¹⁶ Benjamin Constant, actively engaged in writing a liberal constitution for the new imperial regime, took a prominent part in terminating the confiscation of the Censeur. In his Mémoires sur les Cent-Jours, Constant comments:

The too unquiet zeal of a subaltern magistrate caused to be seized without the knowledge of the government, a volume of the Censeur, in which the return of Bonaparte, the validity of his title, which the author attributed to the tumultuous assent of the army, his claim to exercise the empire in virtue of its ancient laws, without making them sanctioned anew by the people, were examined with a perfect justice, but also with an astonishing daring. Immediately, two councilors of state announced themselves opposed to this illegal seizure. They read to Napoleon all that one alleged against him, declaring that these allegations contained nothing contrary to the laws, and, after, a short resistance, and some delays which were the work of inferior officers, obtained the return of the suppressed work to its authors, and that its free circulation would encounter no further obstacles. I was one of those councilors of state; the other was the unhappy Regnault de Saint-Jean-d'Angély, the protector of most of those who one sees today enjoy power among themselves, and among whom, in his adversities, he had not found a single defender.¹⁷

14. Emile Le Gallo, Les Cent-Jours, Paris, Librairie Félix Alcan, 1923, pp. 10-11, 190; Herbert Cole, Fouché, New York, McCall Publishing Co., 1971, p. 251.

15. Mignet, Nouveaux éloges historiques, p. 252.

Behind the scenes in these developments may have been Lazare Carnot, the minister of the interior during the Hundred Days. The Censeur's views during the first Restoration paralleled the views of Carnot, and Carnot's Mémoire, which had been the basis of much of the discussion in the early issues of the Censeur, was issued in a new edition in April, 1815. Indeed, it was the seized fifth volume of the Censeur which contained the lengthy "Notice Historique sur M. Carnot," reprinted from the Edinburg Review. Such a favorable article about Carnot may have caused his rivals in the new government to wish to confiscate the volume. Carnot was not likely to be indifferent to the seizure of a journal closely associated with his views, and he may have intervened also on behalf of Dunoyer and Comte.¹⁸

Dunoyer made light of the seizure in the Censeur, sixth volume:

The journals had announced that the sale of the fifth volume of the Censeur had been suspended. These expressions are not exact; it is necessary to say that the fifth volume of the Censeur had been seized by a troop of agents of the police at the bureau of distribution, at the printers, at the bookstores of the Palais-Royal, and into the very literary cabinets; it is necessary to say that we had fulfilled the forms for printing. It was therefore, for the rest, only one of those thousand gentlenesses that our liberal police permit themselves without the least scruple; and it is not worth the trouble to speak about it.¹⁹

Direct responsibility for returning the seized fifth volume of the Censeur to Dunoyer and Comte has been attributed to a "wise magistrate," Baron Legoux, the procureur général de la Cour impériale. That was the explanation of Joseph Mérilhou, Dunoyer's lawyer in a press prosecution in 1817.²⁰

16. Nettement, Histoire de la Restauration, p. 269.

17. Constant, Mémoires sur les Cent-Jours, Seconde Partie, pp. 180-81.

18. Censeur, V, 109-181. Lazare Carnot, Mémoire adressé au Roi en juillet 1814 (édition correcte), Paris, Chez Arnaud, Avril 1815. Carnot was an opponent of Fouché. Carnot opposed the Acte additionnel as insufficiently liberal and he opposed interference with constitutional liberties as freedom of the press. Mémoires sur Carnot, II, 430.

19. Censeur, VI, 331.

20. Joseph Mérilhou, Précis et consultation pour les auteurs du Censeur Européen, Paris, 1817, p. 44.

The seized fifth volume of the Censeur had been preceded by an Avertissement:

The events which came to take place in France, and the necessity of suppressing very long articles which related to works which became without interest by the fall of the Bourbon government, had considerably retarded the publication of this volume. Perhaps hard to please readers will find yet that we had not carried our suppressions far enough. We have particularly attempted, in this volume, to treat matters relative to our political organization or to examine the general influence that certain acts of government will be able to have on the public prosperity. There are several decrees that we have passed by with silence, although we are very far from approving them, because we have made a rule of abstaining from all useless censure. We will be able for the rest to return to these decrees in more calm times.²¹

The purpose of the fifth volume of the Censeur appeared to be the detached discussion of basic constitutional topics, especially representative institutions and their relations to executive authority. The electors, the elected representatives and public opinion must be the initiators of legislation, not the government officials. Comte continued the article, "Du système représentatif,"²² which he had begun in the third volume. Dunoyer presented "De la Royauté, ou de la première magistrature de l'Etat, dans une monarchie constitutionnelle." He noted that Napoleon claimed that he wished to establish his authority in the laws based upon reason and the sovereignty of the people; "he calls the nation to correct and modify incessantly the constitutional laws, according to its interests and its views, and by consequence to regulate itself the rights and powers of royalty." In order that the nation be able to contribute to the new constitution to be issued at the Champ de Mai, Napoleon had permitted freedom of the press. It must have seemed ironic, once the fifth volume of the Censeur was temporarily seized, that Dunoyer had concluded:

21. Censeur, V, 1.

22. Ibid., V, 24-60.

"The most free discussion is then permitted on the delicate question that we have the design to examine here, and we will attempt to treat it with our accustomed independence."²³

Dunoyer immediately referred to history to show that, except for the isolated case, one in a thousand, governors seek greater powers than should be granted to them, and use those powers to desolate the people. To substantiate this view of governors, Dunoyer quoted from Constant's Refléxions sur les constitutions which had been published a year earlier at the beginning of the Restoration. Noting that the constitutions of the Year Eight and of 1814 had given the chief executive exclusive initiative of laws, Dunoyer said that was a mistaken distribution of functions. The chief executive had the veto power to reject laws he disapproved, and since he was able to select his ministers from the chamber of deputies, they could initiate laws he considered useful. If the chief executive had the direct initiative of the laws, the responsibility of the ministers would be compromised leading to disorders. In such a situation, a ministry could seek to avoid prosecution for its arbitrary acts by having the chief executive propose laws which legalized their arbitrary acts.

One recalls without doubt with what address and what success the ministers of Louis XVIII had been served in several occasions by that hateful expedient, and how, by the use they made of it, they had several times spread abroad troublesome doubts on the good faith of their master.²⁴

With reference to the responsibility of the ministry, Dunoyer emphasized that although the king was the repository of the police power, it could be set in motion only through those delegated by him to operate it according to the rules established by the nation.²⁵

23. Ibid., V, 25.

24. Ibid., V 26-27, 41-44.

25. Ibid., V, 48.

Dunoyer had continued his discussion of constitutional principles in a review of C. J. M. Lambrechts' Principes politiques which was a collection of essays concerned with the Senate's 1814 constitution of which he had been an author, as well as with the recall of the Bourbons by popular choice. Noting that France had had seven governments between 1789 and 1814, Dunoyer asked which was legitimate, and whether if Louis XVIII had accepted the Senate's constitution that would have constituted legitimacy. Dunoyer thought that too much attention had been given to the concept of the sovereignty and general will of the nation. He observed that this concept had permitted constitutions least favorable to liberty and most favorable to total power. For Dunoyer, the most liberal concept was a constitution which "guaranteed to each citizen the security of his person, the free exercise of his faculties and the tranquil possession of his fortune." Dunoyer continued:

Our constitution of the Year 8, which was, one says, accepted by the people, is, without contradiction, the worst that France has had. That of 1814, of which Louis XVIII made to us concession et octroi, is, without any doubt, the wisest which has governed us. Today, the guarantees necessary to the establishment of liberty are so well known, that a good constitution ought to be yet more a work of good faith than a work of genius. A single man well intentioned is able to give to us an excellent one; it is not impossible that our twenty-five thousand electors of the Champ de Mai may accept a detestable one.²⁶

Dunoyer emphasized that he believed the vote of the people was important and should be consulted. But they must be consulted in good faith, and with their understanding what constituted true liberty, rather than their being "dazzled by the eclat of certain forms, by the charlatanism of certain words." He insisted that a popular vote could not legitimate an evil government.

26. Ibid., V, 254-57, 261-64.

We believe that a tyrant elected by the people will be much less respectable than a good king placed on the throne by the grace of god; we believe that a passable constitution, concedee et octroyee by the prince, will be in every way preferable to a less good constitution, deliberated and accepted in the Champ de Mai.²⁷

These strong statements supporting the legitimacy of the Restoration monarchy and questioning the legitimacy of the imperial Hundred Days indicate some of the reasons for the seizure of the fifth volume of the Censeur. What is not understandable was why this did not win some support from the monarchy of the second Restoration which closed the Censeur and repeatedly prosecuted Dunoyer and Comte when they published the Censeur Européen.²⁸

The system of representation under the Charte, Charles Comte commented in "Observations générales sur le gouvernement actuel et sur la proclamation de Napoleon au Peuple français, du 1er-mars 1815,"²⁹ was doubtless vicious, but instead of destroying it, he advocated the correction of its faults. For that purpose he suggested increasing the number of deputies, reducing the age of membership, and "take in all the classes of society." Comte challenged the basis upon which the new imperial government was being established - that the nation had been held in servitude for a year by a handful of men. The expulsion of the Bourbons did not create or re-create those rights; the people had already created them. The people had gained recognition of their rights "from the pusillanimity of the last government." He warned:

Remember that a people has of liberty only what it has known how to conquer and to defend. If we suffer today one to carry attacks on our rights, or only to place them under discussion, under the pretext that we had not been free under the Bourbons, one will be able, by the same reason, to contest against us one day those of which one would recognize the existence in the assemblies held under the government of Napoleon.³⁰

27. Ibid., V, 266-72.

This suggestion that the government of Napoleon would someday be replaced by another just as the first Restoration had been replaced by the new imperial regime was made even more explicit by Comte in a passage which gave the fifth volume of the Censeur a special singularity:

...one is not able to forebear to agree that the present government is only a provisional government, or that the French people can be the property of the first occupant. And it is little important that Napoleon had been proclaimed emperor by the army and by the inhabitants of the country through which he passed; it is little important that the coalition powers had or had not held to the conventions that they had made with him. France belongs neither to the soldiers nor to the inhabitants who found themselves on the route from Cannes to Paris, nor to the coalition armies. If a fraction of the people are able to dispose of the crown, soon it would happen to us what happened to the Roman people after the reign of the first emperors; we would have as heads only soldiers, and the reigning family would have its throat cut whenever it ceased to please the satellites of which it would be surrounded.³¹

The essay which followed, "De la convocation des collèges électoraux au Champ de Mai," was signed G. F. and again seems to have been authored by Dunoyer. The activity of the army was pin-pointed as the cause of the flight of the Bourbons rather than the vote of the citizens. Thus, what followed had no legal

28. Nettement said that it was this article which caused the seizure of the fifth volume of the Censeur: "The article which had excited the susceptibilities of the government is not difficult to recognize: it was a response to a writing of Senator Lambrecht on political principles, a writing in which that ancient senator, excluded from the peerage by the Restoration, held that Louis XVIII had not been a legitimate king for one day, because in place of accepting the constitution of the Senate, he had issued the Charte, and had not at all obtained by formal vote of the people the sanction of his usurpation. Dunoyer, in an article covered by his signature, answered that it would be very difficult to indicate an époque where the view of the nation had been stated regularly. Seven governments had been accepted by the people from 1789 to 1814. Who dared to say that that acceptance had been made freely, with knowledge of the cause, and that the response had not been haughtily dictated by the same manner in which the question was posed." Nettement emphasized Dunoyer's point that the Charte issued as a concession by Louis XVIII was the wisest constitution France had had, while the constitution of the year VIII, "which was, some say, accepted by the people," was the worst. Nettement, Histoire de la Restauration, pp. 269-70, 270-73.

character. The procedure outlined in April, 1815 by Napoleon appeared to be that of 1804 where a commission of Napoleon created a constitution which was ratified by a small section of the entire people. Attention was called again to Constant's Refléxions sur les constitutions, Taking heed of the past, there would be no allowance "to be seduced by chimeras, made giddy by words or deluded by the obscure or equivocal phrases." The Champ de Mai could not be considered as a constituent assembly; it was only an expediency due to a foreign war.³²

Dunoyer, in "Décrets relatifs à la liberté de la presse," agreed that it was not necessary to pass a law to abolish the censorship. The government was free to renounce a power granted to it. If the censorship were abolished, than article 8 of the Charte was once again in force. On March 24, 1815 a decree placed surveillance of bookstores and printers under the ministry of police and the system of censorship was abolished.

But, one asks from all sides, if this liberty is real, how is it that no one uses it? How is it there appear yet only the writings that are without color and without independence? Why have all the journals the same physionomie? Why are they law and taciturn? Why is M. Le Nain Jaune, who had shown so much spirit and strength, no more than a sycophant and nasty, without courage and without utility?³³

Dunoyer said that the reason was the pusillanimity of the writers rather than the government's arbitrariness, since there had been no overt acts of government against freedom of the press. If the government did so act, Dunoyer advocated the greater exercise of freedom of the press. If the press would say nothing when there was no approval of the censors, he preferred the censorship since then the press would say something which was useful.³⁴

30. Ibid., V, 283-84.

31. Ibid., V, 290-91.

32. Ibid., V, 293, 297-304.

33. Ibid., V, 305-310. Jean Thiry notes regarding Elba in early 1815: "But Napoleon read the French and English press and notably the Nain Jaune, the Censeur and the Morning Chronicle." Jean Thiry, La Première Restauration, Paris, Editions Berger-Levrault, 1942, pp. 240-42, 257-58, 299, 340.

Printing, Dunoyer had observed, overcomes the effects of distances and time, and provided for large republics the communication which was possible for the ancient republics which assembled all the citizens for deliberations.

By it the people are in permanent conversation; the ideas and the opinions are communicated with the rapidity of electric fluid, and the connection is only ended at the point where someone does not know how to read. Generations successively accumulate the experience and the knowledge of previous centuries, and transmit in their turn to posterity their progress and their discoveries. It is thus that the human spirit tends toward its perfection, that the present differs from the past, and that the future generations will know one day what they are still ignorant.³⁵

On the basis of the free press, nations were capable of developing the national representation which would free them to permit civilization to make great progress. England and America were able to take the lead in this regard, because, it was noted, they were not, like France, surrounded and threatened by "the coalition of continental despotism."

France has ruptured its dikes; the imprudently accumulated waters have produced the inevitable torrent of the revolution; today all Europe is drawn along. Do you dare to resist it still, insensitive pygmies, who wish to make nature retrogress and place us back under despotism?³⁶

The Censeur, during the first month of the Hundred Days, insisted that the expulsion of the Bourbons had not terminated the Charte, or any of the laws which were made in conformity to the constitution. The claim of the new imperial regime that the first Restoration was a period of slavery was denied by Dunoyer, and Comte. "From that, we come to conclude that the present government is only provisional, and that the acts which emanate from it carry the same character." During a period when legislative acts

34. Censeur, V, 310-11.

35. "Observations sur la liberté de la presse et sur l'instruction publique, considérées comme moyens d'obtenir une représentation nationale," Ibid., V, 78-82.

36. Ibid., V 82-83.

were not sanctioned by constitutional authority, the "only thing that we have to examine is to know if, in definitive, it is useful to the public good that they be maintained or declared nul."³⁷

The issue of the legitimacy of the legislation of the new imperial regime was focused on Benjamin Constant's work which Napoleon issued as the Acte additionnel aux constitutions de l'Empire (April 22) as an attempt to satisfy demands of liberals such as Dunoyer and Comte for guarantees for liberty. Charles Comte presented a thorough analysis of it in the sixth volume of the Censeur which was published at the beginning of June 1815.³⁸ Benjamin Constant's role as one of those who contributed to the termination of the seizure of the fifth volume of the Censeur was ultimately of less importance to Dunoyer and Comte than his having accepted the official position in the new imperial regime from which he made his intervention on their behalf. The fifth volume of the Censeur had contained a review of "De la responsabilité des ministres; par M. Benjamin de Constant."³⁹ Whether concerned with theory or with practice, any ideas of Benjamin Constant received respectful consideration by Dunoyer and Comte. This pamphlet continued Constant's strict constitutionalism; ministers should be prosecuted for acts which were not sanctioned by law. The publication of the fifth volume was simultaneous with Constant's interview with Napoleon (April 14) in which he was invited to prepare a constitution, the Acte additionnel, less than a month after having written one of the strongest denunciations of Napoleon's return. Constant was appointed a conseiller d'Etat on April 20, as the government discussed the seizure of the fifth volume.⁴⁰

37. Ibid., V, 312-13.

38. Ibid., VI, 245-96.

39. Ibid., V, 182-216.

40. Constant, Memoires sur les Cent-Jours, Seconde Partie, pp. 131-66; Jean Baelen, Benjamin Constant et Napoleon, Paris, J. Peyronnet et Cie., 1965, pp. 189-203; Nicolson, Benjamin Constant, pp. 26-67.

Directly responding to the political role assumed by Constant, Dunoyer included in his "Revue des Brochures Nouvelles" in the Bulletin of the sixth volume of the Censeur a brief review of a pamphlet which Constant had beun in early April, 1815 and which was publised in May: Principes de politique applicables à tous les gouvernemens représentatifs, et particulièrement à la constitutions actuelle. Dunoyer may have been making a point when he preceded his discussion of Constant's pamphlet with a comment on a pahmphlet of Lebrun-Tossa who, Dunoyer said, had constantly opposed Napoleon as a despot but supported him as he had changed his system. Dunoyer said that Constant's pamphlet would be given more careful reading than any of his other works, and added:

One whill be curious to know if it is possssble to become a councillor of state, without ceasing to be irreproachable. It appears that some respectable persons had thought that it was not possible; for M. Benjamin de Constant, after having observed that not to flee, is not to be a deserter, added: "Without doubt, in rendering this solemnity, one proves yet bitter sentiments. One learns, not without astonishment and without penalty, that is not able to soften the novelty of the discovery, to what point esteem is a heavy burden for the heart, and how, when one believes that an irreproachable man has ceased to be that, one is happy to condemn him. The future will respond: for liberty will come foreward from that future, however stormy it appears still."⁴¹

Dunoyer's criticism of the new imperial government centered first on the events surrounding the Champ de Mai by which Napoleon hoped to recapture the spirit of the Federation Festival of July 14, 1790. Dunoyer said that the latter had been a truly national feast because the nation was the central figure and the king was an observer with the throne abased before the people's majesty. Dunoyer claimed that it caused the people to believe that they had a country. In 1815 the Champ de Mai placed Napoleon at the center of attention in his gold and violet clothes, so bizare and different from his usual

41. Censeur, VI, 320-21.

military attire; his brothers were outfitted in white taffeta according to Dunoyer. Dunoyer concluded with a reference to an article by Mirabeau in the Courier de Provence in 1789 emphasizing that the reign of intrigue had passed: "He added these following words as a terrible prophecy for Louis XVI and even for Louis XVIII: "the times are no more when one is able to tack about. One should know to not resist the current of public opinion: it is necessary to be aided by it or submerged by it.""⁴²

Dunoyer by his references to the new pamphlets was able to underline the issues which he found to criticize in the new imperial regime. He called attention to the despotism of holding an election when the representatives had not discussed the issues. Dunoyer could not but sympathize with the attacks of constitutional monarchists on the liberalism which the new imperial regime used as a facade. He quoted from a brochure of M. A. J. Des idées libérales des Français en mai 1815: "In effect to proclaim liberty under the government of bayonets, to praise national glory at the instant that one merited the mistrust of other nations, to exalt military honor in the midst of treasons, to separate the social virtues under the reign of egoism and private ambitions, will this be yet a derision, one of those common abuses of the art of writing, that one wishes to disguise under the colors of a new expression.""⁴³

Dunoyer noted that Napoleon had promised that any errors in the Acte additionnel would be corrected by the two chambers but that at the Champ de Mai it was announced it would be postponed until the general peace. Dunoyer recalled that the abolition of the death penalty and of the special tribunals formed in the

42. Ibid., VI, 297-303.

43. Ibid., VI, 322, 323-24.

Year 9 was promised for the general peace. But, he emphasized, death penalty and special tribunals had become perpetual; "the vices of the acte additionnel, which are supposed to be corrected at the general peace Hush!"⁴⁴

Dunoyer responded to the additions which Lambrechts had included in a new edition of his Principes politiques which included strongly stated replies to Dunoyer's commentary on the first edition in the Censeur's fifth volume. Dunoyer was not surprised that Lambrechts would now be critical of Dunoyer's commentary as he was in a different position than when he first wrote them. Dunoyer was referring to the return of Napoleon. Lambrechts had sought to show that according to the doctrine of the sovereignty of the people, the government of Louis XVIII had been illegitimate, Dunoyer said that without denying that, he had advocated that an equally illegal government could be established on the doctrine of the sovereignty of the people. Dunoyer called the concept a "jonglerie" which was about to enchain the French people once again. Lambrechts had felt that Dunoyer had not clearly distinguished his own views from those of Dunoyer. Dunoyer said that his preoccupation with underlining the abuses of that doctrine had caused that injustice to someone who was worthy of veneration.⁴⁵

In noting that the comte de Lanjuinais had become president of the chamber of deputies and that it was an important step for liberty, Dunoyer praised the role in the chamber of Lafayette who "had shown much patriotism from the beginning of the revolution, and had never denied it." Dunoyer spoke favorably of Flaugergues who since late in 1813 had shown courage; he recalled especially Flaugergues' discussion in the deputies in the fall

44. Ibid., VI, 330.

45. Ibid., VI, 324-26.

of 1814 where he reduced the minister to silence and forced him to leave his place during the debate on the cour de cassation. Dunoyer referred to the rumor in late May of an address which some members of the old Corps legislative proposed to send to the coalition powers not to mix in the affairs of France "and to allow us to bleach our dirty linen."⁴⁶

Dunoyer continued the running battle with other newspapers centering upon the flight of the Bourbons and the return of Bonaparte. In the conclusion of the Bulletin of the fifth volume of the Censeur Dunoyer, in bidding a farewell to the departing supporters of the Restoration, presented a strong sally against the new imperial regime's supporters for which the Censeur was noted among later commentators. Dunoyer called attention to accusations against the Censeur by an editor of the Mercure, "who lately constituted himself the defender of a great minister," and noted the Mercure's editor's strongest criticism: that Comte and Dunoyer were "beardless lawyers." Dunoyer continued:

This enlightened idea not having been developed well-enough, the author is occupied, it is said, on a work which will satisfy its readers better, and which seeing these circumstances, is not able to lack making a great sensation; it has for its title: De l'influence de la moustache sur le raisonnement, et de la nécessité du sabre dans l'administration.⁴⁷

Tart exchanges between the Censeur and its press opponenets continued during the Hundred Days. Dunoyer noted that a journal, "bastard child of the Quotidienne and of the Journal Royal," sought to insult the Censeur. It accused it of being an "old light-infantry soldier of the bonnet rouge." Dunoyer warned that the deep respect those papers had shown for grands cordons should cause them to be cautious about "our celebrated bonnets; for it is well known, that if something is proper to make a grand cordon, it is assuredly a bonnet rouge."⁴⁸

46. Ibid., VI, 328-31.

47. Ibid., V, 334.

The sixth volume began with a lengthy, controversial essay which was signed X. and is attributable to Charles Comte:

"Des causes ⁴⁹secretes des excés attributes à la revolution française." The article had been intended for the fifth volume of the Censeur and replaced by the necessity to comment on the return of Napoleon. The article placed the blame for the abuses of the French Revolution on the émigrés and on their supporters, primarily the English government. It was preceded by an Avertissement sur le 1er article de ce volume which said that after the article had been printed a man who had been active in the revolutionary legislatures and who was not a member of any of the parties found the article correct in its general point of view, but that the comte d'Artois was responsible for actions attributed to Louis XVIII and that the duc d'Orleans had not aspired to the throne. Discussion of the role of the king or of his brother, and placing upon the agents of the Bourbons and behind them the English government the causes of the excesses of the revolution was an unexploded landmine. Doubtless the article would have caused an outcry if pulished under the monarchy as intended. It must have played an important role in the decision of the government of the second Restoration to suppress the Censeur.

Following the abdication of Napoleon on June 22, 1815 the armies of the coalition powers occupied Paris. Much to the dismay of Dunoyer and Comte the chambers of representatives and peers had been closed by the foreign troops. The government in Paris was dominated by Fouché, who arranged on July 5 to enter a new cabinet to be headed by Talleyrand. Fouché continued as minister of police and received amnesty for his friends. Associated with Fouché was Elie Decazes as prefect of police and Baron Pasquier, who had been prefect of police, 1810-14, as justice and interior minister.

- 11 -

Louis XVIII, who returned to Paris on July 8, dissolved the chamber of deputies on July 13, with the electoral colleges to meet on August 25. Despite a royal proclamation that the legislature would decide on punishments for participants in the imperial regime of the Hundred Days, the Talleyrand-Fouché ministry was forced to take action. Whether in order to gain favor with the ultra-royalists or from his own interests, Fouché prepared what Talleyrand considered an unnecessary and massive list to be proscribed. It included more than a hundred names, and the names of Charles Comte and Charles Dunoyer were on the list. Talleyrand intervened directly to remove the names of Dunoyer and Comte from the proscription list. Whatever protection Talleyrand's intervention in removing their names from the list of proscription or exile might have been, Fouché's including their names on a list of those who were considered supporters of the Hundred Days not only raised fears for Dunoyer and Comte with regard to future actions by Fouché against them but also increased the misconceptions of the royalists as to the role of the Censeur.⁵⁰

Finally, a total of fifty-seven persons were to be proscribed: nineteen military men to be court-martialed and thirty-eight others to live outside of Paris as designated by the minister of police until the chambers decided on whether they would stand trial. This was included in a proclamation of the king on July 24 along with another which excluded twenty-nine members of the upper chamber who had sat during the Hundred Days. Louis XVIII's ordinance declared that peers who served during the Hundred Days had renounced their peerages. Dunoyer, in the seventh volume of the Censeur, insisted that such an action could be done only by a judgement of independent magistrates. Further, he strongly attacked the whole system of government which he denounced as exploitative and indicated the uselessness of government offices:

"France was only one vast farm exploited to the profit of an individual by agents called mayors, prefects, judges, deputies or peers of France, For the rest, if we have lost some friends of liberty, we will become consoled in imagining that we have gained the acquisition of forty-three counts, four dukes, three viscounts, and what is more, of twenty-two marquis a species which appeared to us extinct." ⁵¹ After indicating the illegalities of the action, he emphasized that among those removed were "those who defended the rights of the nation and our freedoms, such as MM. Latour-Maubourg, Pontecoulant, Valance and some others." ⁵²

The seventh volume of the Censeur presented Dunoyer's and Comte's broad criticism of both the Bourbons and Bonaparte. Citing Montlosier's criticism of Louis XVIII failure to come to terms with the revolution, Dunoyer insisted that it was even more insane for Napoleon to refuse France peace when that was its highest objective. Louis XVIII was criticized for not accepting the Constitution created by Lanjuinais, Flaugergues, Fafayette, etc. because they were considered Jacobins. Louis XVIII said he would do everything to save France except what would indeed save France; he intensified factionalism and resisted the tri-color. Louis XVIII's failure to accept the senate's constitution and his issuance of the Charte by edict remained a major cause of the failure of the first Restoration. The Censeur asked "What is then the true origin of governments?" when the governors are the same as brigandes and robbers on the highways. ⁵³

50. Mignet, Nouveaux éloges historiques, p. 253, and Portraits et notices historiques, p. 93; Bertier de Sauvigny, The Bourbon Restoration, pp. 102-17; J. F. Bernard, Talleyrand, New York G. P. Putnam's Sons, 1973, pp. 427-40; Cole, Fouche, pp. 267-99.

51. Censeur, VII, 374-76; this passage is similar to Saint-Simon's later statement balancing the loses of productive and non-productive parts of the population, written following Saint-Simon's being harbored in the establishment of Comte and Dunoyer.

Louis XVIII was criticized for returning from his returning from his two exiles with the aid of foreign armies and of a fanatical party of emigrés. Dunoyer concluded that at the moment of the second Restoration what was necessary was the acceptance by the king of the model of the house of Brunswick (Hanover) when it was brought to rule in England. The model of Hanoverian England could look especially attractive to Dunoyer in the late summer of 1815. Comte commented in the seventh volume of the Censeur: "We here return to that poor charte, which has been so tormented during ten months, and which we have so constantly and so vainly defended. It has received and receives even every day such grave attacks that it is hardly recognizable, and one had even ceased to suspect its existence, if one did not know that it is to be found in the Bulletin des lois, under number 25."⁵⁴

P Dunoyer, in "Travaux de la dernière chambre des pairs," noted that while the peers had been insufficiently independent during the Hundred Days, it was more independent under the acte additionnel than had been the case under the Charte and the first Restoration. Dunoyer recalled that on June 20, 1815, comte Latour-Maubourg proposed with almost no opposition the freeing of the large number of people who had suffered exile or arrest under arbitrary laws. Dunoyer reproached all the legislatures which ruled in revolutionary France for twenty-five years for their indifference to the arbitrary acts of the government. While issuing declarations of rights, the legislatures did not attempt to have rights respected. Dunoyer could not grant enough praise to the peers for their challenges to Bonaparte's ministers (especially, no doubt, the minister of police, Fouché), which made them "the enemies of the then established order." Of all the other legislatures of the revolutionary

52. Ibid., VII, 376-77. Latour-Maubourg was a son-in-law of Lafayette and part of the independent party which was associated with Lafayette through political and family ties. Paul-Chanson, Lafayette et Napoléon, Lyon-Paris, Editions IAC, 1958, p. 217.

quarter century, "none of them had known how to make any rights respected."

Under the convention and under the directory, under the consulate and under the empire, under the restoration and under the usurpation, arbitrariness had always been extreme, and things were yet the point, that a minister, a prefect, a sub-prefect, or authorities more subordinate still, what can I say? of men without any character, infamous agents of police, attacked always the liberty of citizens with the most incredible impudence. It will be possible to end these excesses only when one is able to refuse to obey arbitrary acts; and one will dare to disobey these acts only when one is able to count on the support of the courts, and that the popular assemblies cease to be the accomplices of the ministers.⁵⁵

Louis XVIII having dissolved the chamber of deputies (July 13) had convoked the electoral colleges which met on August 14 and August 22. These returned an ultra-royalist majority which formed the Chambre Introuvable. The elections were preceded by the White Terror which Dunoyer reported in the Bulletin (2 juin-6 septembre 1815) of the seventh volume of the Censeur: excesses in the Midi (including massacres of Protestants) at Marseilles, Nismes, Avignon. As a check on the anti-constitutional assembly, Dunoyer favored the concept of the hereditary peerage as the peers would defend the people against the assembly "composed of a turbulent and revolutionary aristocracy."⁵⁶

With the second Restoration, Pasquier sought to make up for the mistake of the 1814 press law by abolishing the first section of the law. Fouché advised more limited change; articles 3, 4 and 5 on small publications were abolished while article 9 on police control of newspapers remained. On August 8, 1815 a decree was

53. "De la Monarchie Française depuis le retour de la Maison de Bourbon jusqu'au 1er. Avril 1815. Considérations sur l'état de la France à cette époque; examen de la Charte constitutionnelle, de ses défauts et des principes sur lesquels l'ordre social doit être recomposé; par M. de Montlosier," Censeur, VII, 184-214.

54. Ibid., VII, 198-99, 203, 213-14, 358.

55. Ibid., VII, 306-57, especially, pp. 307-309, 322-25.

56. Ibid., VII, 388-408, 378-84.

issued that all journals must apply for a new authorization and were to be examined by a newly formed censorship committee. On August 15 Fouché ordered the shareholders of each journal to nominate an editor-in-chief responsible for depositing a copy each day with the censorship committee subject to suspension or suppression. Within a month, editors were threatened for putting out editions different than the approved first editions.⁵⁷

But, the publication of the Censeur came to an end. Having failed in the attempt at banishing Dunoyer and Comte, Fouché on September 4 ordered the confiscation of the seventh volume of the Censeur. Dunoyer and Comte did everything in their power to gain the release of volume seven during the following year, but without success. Fouché may have acted when he recognized that his term as minister of police was being terminated. Fouché was removed as minister of police on September 15 but held to his office until September 20 when he was replaced by Elie Decazes. But, Talleyrand also was removed as prime minister on September 21. Dunoyer and Comte appeared to feel that the minister of justice and interior, Pasquier, had been involved in the seizure, perhaps because it was continued even after the fall of Fouché.⁵⁸

Dunoyer and Comte, even if they pursued the matter of the seizure of the seventh volume of the Censeur separately, could not consider the launching of a new journal at that time. The new minister of police, Decazes, exercised firm control over the press combined with arbitrariness and uncertainty: "The worse features of the system, during the three years in which Decazes was in charge, were arbitrariness and muddle."⁵⁹ The new ministry of the duc de Richelieu found the Ultras of the Chambre Introuvable, which met on October 7, 1815, firmly committed to strongly

second or legal White Terror - law of general security (October 29), law on seditious speech and publications (November 9), re-establishment of provost courts (December 27), and the Amnesty law (January 12, 1816). There was no room for independent or liberal journalism as followed by Dunoyer and Comte in that legal framework, and they preferred to remain silent.⁶⁰

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57. Collins, The government and the newspaper press in France, pp. 8-10.
58. Bertier de Sauvigny, The Bourbon Restoration, pp. 117-23; Bernard, Talleyrand, pp. 437-54; Cole, Fouché, pp. 301-306; Censeur Européen, I, avant-propos.
59. Collins, The government and the newspaper press in France, pp. 10-12.
60. Bertier de Sauvigny, The Bourbon Restoration, pp. 130-40.

If Dunoyer and Comte had found the Restoration to be a disappointment of their hopes for constitutional government, the Hundred Days caused for them a crisis in their ideas. While Dunoyer and Comte had remained steadfast in their principles, opposing all governments and refusing office in any government, and totally hostile to military government and war, represented by Napoleon, people whose ideas had been important in the development of their thought and whose conduct they increasingly admired during their opposition to the Restoration, suddenly became officials of the new imperial government of the Hundred Days. They could find it not unnatural that members of the imperial Senate, who had been associated with the empire to 1814 and whose constitution and advice had been ignored by the Restoration, would rally to the empire. But, those who had been long in opposition to the Empire, had rejected the translation of consulate into empire, and had gone into exile due to their criticism of Napoleon, that those men should rally to the new imperial government and take office during the Hundred Days was a great disappointment to Dunoyer and Comte. This must have been the case with regard to Carnot with whom they had associated themselves in opposition to the measures of the Restoration ministry. But, Carnot was an ally and a man of action so that his undertaking to defend France in the face of foreign invasion was not the most important blow. This was the case with regard to Benjamin Constant. Constant was not a man of action and his writings had been an inspiration to Dunoyer

and Comte. During the Restoration Constant had been active in combatting unconstitutional principles and, much after the heart of Comte and Dunoyer, he wrote widely on freedom of the press. In fact, until the end of his life and despite other disagreements, Constant continued to be an ally of Dunoyer and of Comte in defense of freedom of the press. Constant's last speech in the chamber of deputies, November 19, 1830 shortly before his death, was a defense of Comte in a debate over freedom of ~~the press~~ ^{speech} at the beginning of the July Monarchy. Similarly, in the midst of a major intellectual debate with Dunoyer, Constant paid tribute to the central role of Dunoyer and the Censeur (which Constant called by the name of the successor journal, Censeur Européen) in the conquest of freedom of the press during 1814-15 which was the period at issue in their intellectual debate. Constant touchingly described this in his De M. Dunoyer et de Quelques-uns de ses ouvrages

Nevertheless, the laws on writings, however absurd they are, have this advantage, that in order to study, one will attain to elude them. The law on the press submitted to the censorship works of less than twenty printed sheets. Thus books of twenty and a half printed sheets were publishable: writers who, having only one truth to develop, would express it in four pages, would look for others who, together, would be able to form a volume. Such was the origin of the Censeur européen, of which the authors, MM. Comte and Dunoyer, devoted themselves with good faith and with courage, to the study, which one could call experimental, of the solidity of the guarantees which the new pact promised to the nation. The laws contrary to these guarantees having been proposed by a timid and crafty ministry, and voted by the ignorant and docile Chambers, M. Dunoyer combatted them. This audacious patriot having raised against him persecutions, he showed himself, in his defense, more occupied in the public interest than in his own. He seized, at his risks and perils, that occasion to expose the vices of our legislation, the insufficiency of the protection that citizens look forward to expect, and the arbitrariness that authority is able to do in the administrative and judicial disposition bequeathed by the empire to the monarchy. He conquered in that way, for us and our heirs, a part of our liberties; for, although he did not at all come to obtain for them the institutions which render them inviolable, his example and his

writings had popularized the notions, which, while they had not been consecrated in theory, became victorious in practice, when the general assent encompassed them.

... The germs deposited, in 1814, in the Censeur européen, have been developed and born fruit.

1964, 11, 160-69.

[illegible]

Figure 1. The effect of the concentration of the H_2O_2 solution on the amount of the H_2O_2 consumed in the reaction of the H_2O_2 with the Fe^{2+} ion in the presence of the Fe^{3+} ion.

with $\mathcal{A} = \mathcal{A}_1 \times \mathcal{A}_2 \times \mathcal{A}_3$ and $\mathcal{B} = \mathcal{B}_1 \times \mathcal{B}_2 \times \mathcal{B}_3$ are the σ -algebras generated by the random variables $\{X_i\}_{i=1}^n$ and $\{Y_i\}_{i=1}^n$, respectively. Then, the random variables $\{X_i\}_{i=1}^n$ and $\{Y_i\}_{i=1}^n$ are independent if and only if \mathcal{A} and \mathcal{B} are independent.

As a result, the model is able to capture the nonlinear relationship between the variables and the response variable, and it is able to handle the non-normal distribution of the response variable. The model is able to capture the nonlinear relationship between the variables and the response variable, and it is able to handle the non-normal distribution of the response variable.

For the purpose of this study, the following hypotheses were formulated:

Year	Country	Population (millions)	Urban population (millions)	Urban population (%)	Population density (per sq km)	Urban population density (per sq km)
1970	United States	205	110	53.7	31.1	100
1970	France	45	25	55.6	200	100
1970	Germany	43	23	53.5	230	100
1970	Japan	106	70	66.0	333	100
1970	Italy	47	26	55.3	280	100
1970	Sweden	8.5	5.5	64.7	150	100
1970	Switzerland	3.5	2.5	71.4	170	100
1970	Belgium	9.5	6.5	68.4	320	100
1970	Netherlands	15	10	66.7	350	100
1970	Denmark	4.5	3.0	66.7	130	100
1970	Australia	12	5	41.7	15	100
1970	Canada	22	10	45.5	25	100
1970	South Africa	18	8	44.4	30	100
1970	Spain	29	12	41.4	40	100
1970	Portugal	10	4	40.0	100	100
1970	Greece	10	4	40.0	100	100
1970	India	480	100	20.8	150	100
1970	China	700	150	21.4	120	100
1970	USSR	240	100	41.7	80	100
1970	USSR (excluding Siberia)	100	40	40.0	300	100
1970	USSR (excluding Far East)	150	60	40.0	200	100
1970	USSR (excluding Far East and Siberia)	50	20	40.0	600	100
1970	USSR (excluding Far East, Siberia, and Caucasus)	20	8	40.0	2400	100
1970	USSR (excluding Far East, Siberia, Caucasus, and Central Asia)	10	4	40.0	4800	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, and Transcaucasia)	5	2	40.0	9600	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, and Crimea)	2	1	50.0	48000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, and Moscow)	1	0.5	50.0	96000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, and Leningrad)	0.5	0.25	50.0	192000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, Leningrad, and St. Petersburg)	0.25	0.125	50.0	384000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, Leningrad, St. Petersburg, and Novosibirsk)	0.125	0.0625	50.0	768000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, Leningrad, St. Petersburg, Novosibirsk, and Khabarovsk)	0.0625	0.03125	50.0	1536000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, Leningrad, St. Petersburg, Novosibirsk, Khabarovsk, and Vladivostok)	0.03125	0.015625	50.0	3072000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, Leningrad, St. Petersburg, Novosibirsk, Khabarovsk, Vladivostok, and Yekaterinburg)	0.015625	0.0078125	50.0	6144000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, Leningrad, St. Petersburg, Novosibirsk, Khabarovsk, Vladivostok, Yekaterinburg, and Omsk)	0.0078125	0.00390625	50.0	12288000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, Leningrad, St. Petersburg, Novosibirsk, Khabarovsk, Vladivostok, Yekaterinburg, Omsk, and Novokuznetsk)	0.00390625	0.001953125	50.0	24576000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, Leningrad, St. Petersburg, Novosibirsk, Khabarovsk, Vladivostok, Yekaterinburg, Omsk, Novokuznetsk, and Kemerovo)	0.001953125	0.0009765625	50.0	49152000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, Leningrad, St. Petersburg, Novosibirsk, Khabarovsk, Vladivostok, Yekaterinburg, Omsk, Novokuznetsk, Kemerovo, and Chelyabinsk)	0.0009765625	0.00048828125	50.0	98304000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, Leningrad, St. Petersburg, Novosibirsk, Khabarovsk, Vladivostok, Yekaterinburg, Omsk, Novokuznetsk, Kemerovo, Chelyabinsk, and Samara)	0.00048828125	0.000244140625	50.0	196608000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, Leningrad, St. Petersburg, Novosibirsk, Khabarovsk, Vladivostok, Yekaterinburg, Omsk, Novokuznetsk, Kemerovo, Chelyabinsk, Samara, and Volgograd)	0.000244140625	0.0001220703125	50.0	393216000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, Leningrad, St. Petersburg, Novosibirsk, Khabarovsk, Vladivostok, Yekaterinburg, Omsk, Novokuznetsk, Kemerovo, Chelyabinsk, Samara, Volgograd, and Rostov)	0.0001220703125	0.00006103515625	50.0	786432000	100
1970	USSR (excluding Far East, Siberia, Caucasus, Central Asia, Transcaucasia, Crimea, Moscow, Leningrad, St. Petersburg, Novosibirsk, Khabarovsk, Vladivostok, Yekaterinburg, Omsk, Novokuznetsk, Kemerovo, Chelyabinsk, Samara, Volgograd, Rostov, and Donetsk)	0.00006103515625	0.000030517578125	50.0	157286	

the β phase of the polymer. The β phase is the more ordered phase and is characterized by a higher density and a higher melting point than the α phase. The β phase is the more stable phase and is the one that is most commonly observed in nature. The α phase is the less stable phase and is the one that is most commonly observed in the laboratory. The β phase is the more ordered phase and is characterized by a higher density and a higher melting point than the α phase. The β phase is the more stable phase and is the one that is most commonly observed in nature. The α phase is the less stable phase and is the one that is most commonly observed in the laboratory.

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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END OF PAGE 1. PAGES TWO AND THREE OF PAGE FOUR, AND PAGES FIVE AND SIX OF PAGE SIX, ARE REPEATEDLY PRINTED.

27. In response to defendant's motion for summary judgment, the court finds that the defendant has not met its burden of proving that the plaintiff's claim is barred by the statute of limitations.

on the other side, the "balance" of activities was reduced
to zero, so that the "balance" of activities was zero.

[illegible]

But, the most important of Constant's works in the development of Dunoyer's thought was L'esprit de conquête. As the result of a multi-person and multi-dimensional debate, Dunoyer in late 1826 had written an article on the origins of his ideas, "Notice historique sur l'industrialisme," Revue encyclopédique, t. XXXIII, février 1827. Dunoyer recalled that a dozen years earlier during 1814 all interest had been focused on forms of organization. De Bonald and De Maistre proposed to re-establish the power of the Roman Pontifs, De Bradt sought a well thought-out balance of power system, and Saint-Simon desired "to extend to Europe the representative regime already existing in several states, and in place of balancing the forces of the powers, to subordinate all to the authority of a European parliament."² Like these writers on politics, the economists, Dunoyer found, were not concerned with more fundamental and concrete questions of the aim and activity of modern society. Dunoyer noted:

The economic writers, who seek more at the foundation of things and to whom the nature of their work has obliged them, it seems, to give less superficial ideas of politics, have seen it only as the study of the forms which are able to cover the constitution of the polity. M. Say, following in this, I believe, the example of Smith, defined it simply as the science of the organization of societies (Traité d'économie politique, discours préliminaire, p. 1), without saying for what kind of life the society ought to be organized, what aim it is necessary to assign to its organization, nor even if this organization ought to have an aim; and he makes of it also a thing so vain, that to his very eyes and by his own admission, he influences nothing of public prosperity and wealth is essentially independent of the organization of society. I repeat that in going back beyond ten years, one cannot perceive that any author had seen in politics anything than a science of forms, the science of the organization of societies, abstracting from their direction and the laws that their development follows. I must say, to the glory of M. Benjamin Constant, that he is the first writer, at least to my knowledge, who had indicated the aim of the activity of peoples in our time, and who had ~~phases~~ the way in which one recognizes what is the true object of politics. This is what one reads in his work on L'esprit de conquête considérée dans ses rapports avec la civilisation européenne, a work which had been published abroad in 1813, and of which he gave a new edition on his return to France, immediately after the first Restoration:

2. Oeuvres de Charles Dunoyer, revues sur les manuscrits de l'auteur, ed. par Anatole Dunoyer, Paris Guillaumin et cie, 1886, III, 173-99, 173-74.

"While each people formerly formed an isolated family, born enemy of other families, a mass of peoples exists now under different names and under various kinds of social organization, but homogeneous by its nature. It is sufficiently strong that it has nothing to fear from the hordes that are still barbarian: it is sufficiently civilized that war will be a burden to it. The uniform tendency is towards peace ... We have arrived at the epoque of commerce, the epoque which ought necessarily to replace that of war, as that of war was obliged necessarily to replace what preceded.... War was the savage impulse; commerce is the civilized calculation. It is clear that the more the commercial tendency dominates, the more the warrior tendency become weak. The unique aim of modern nations is tranquillity, comfort, and as the source of comfort, INDUSTRY. War each day becomes a less efficacious means to attain this aim. Its chances do not offer to individuals and nations the benefits which equal the results of peaceful work and regular exchange." (Ch. II, l'esprit de conquête)³

Dunoyer explained Constant's concept that "industry" embraced all moral and intelligent practice of all useful professions and activities. While he felt that Constant's book lacked exactitude, it did provide the foundation for thinking about the concept and the historical development of industry. Dunoyer insisted that it was ~~the~~ Constant's L'Esprit de Conquête that the initial, ~~brief~~, explanation was presented of the difference between the ancients and moderns: "it was the first time that any one indicated to the modern peoples that they directed their activity towards industry." This observation, which now seems trivial, was then entirely novel, and I believe that I remember that I was very much struck by it."⁴

L'Esprit de Conquête was drawn, even to exact words, from the studies written by Constant during the very intellectually creative period of his life at the end of the eighteenth century and beginning of the nineteenth century; these studies are in the notebooks known as the Oeuvres Manuscrites de 1810. These unpublished manuscripts in seven volumes of three to four hundred pages were a source for some of Constant's later articles as well as abbreviated and more acceptable (less radical) versions of the original essays. Constant's De la Perfectibilité de l'Espèce humaine of which De M. Dunoyer et quelques-uns de ses ouvrages Ibid., pp. 174-76.

was a continuation besides influencing other writings of Constant was reproduced partially in his Mélanges. The original essay had been composed about 1803-1804 as Constant's introduction to an extract from Herder's Ideas on the Philosophy of History. The subject had been treated in Mme. de Stael's La Littérature considérée ses rapports avec les institutions sociales (1800). However, Constant was a friend of a number of the Ideologues who were concerned also with this subject, Georges Cabanis and Claude Charles Fauriel (1772-1844) who was also a friend of Dunoyer's.⁵

But, the immediate source for Constant and through him, for Dunoyer, was William Godwin. Godwin's Enquiry concerning Political Justice and its Influence on General Virtue and Happiness (1793) was read widely by political theorists in France. In 1795, Constant's uncle, Samuel Constant, had published a French translation of Caleb Williams in Geneva. Constant corresponded with Godwin in 1795-96 concerning Constant's desire to translate Political Justice. Constant in 1799 announced the forthcoming publication of his translation of Godwin's Political Justice but political events then and in the future caused the postponement of its publication. But, the impact of Godwin's ideas were evident in the writings of Constant in that period and in his speeches in the Tribune before his exclusion in 1802. Constant himself had taken up the challenge to Burke's attacks on the French Revolution in Des Reactions Politiques (Av V). In July, 1799 Constant published Des suites de la contre-révolution de 1660 en Angleterre at the conclusion of which he announced his translation of Political Justice which would be accompanied by a "profound examination" of the principles "suitable to consolidate liberty."⁶

4. Ibid., p. 176. Jean Baelin, Benjamin Constant et Napoléon, Paris J. Peyronnet, 1965, pp. 132-50.

5. C. Pozzo di Borgo, in Constant, Œuvres, I, 204-206, 234-35; Constant's Oeuvres Manuscrites de 1810 were acquired by the Bibliothèque nationale in 1961. Constant, Mélanges, pp. 387-415; Pierre Deguise, "Introduction" in Constant, De La Perfectibilité, pp. 11-14; Picavet, Les Idéologues, passim; Kitchin, La Décade, pp. 127, 148-49; Dominique Bagge, Les

6. O. Pozzo di Borgo, ibid., I, 121-33, 234-35, 239-41;
 Burton R. Pollin, Education and Enlightenment in the works of William Godwin, New York, Las Americas Publishing Company, 1962, pp. 1, 17-18; Pollin, Godwin Criticism: A synoptic bibliography, Toronto, University of Toronto Press, 1967, pp. 54-55, 104-105, 199; Pollin, "Godwin's Letters of Verax," Journal of the History of Ideas, XXV, No. 3 (July-September, 1964), 369-70; Pollin, "Introduction," in Constant, De la Justice Politique, traduction inedite de l'ouvrage de William Godwin, Enquiry concerning Political Justice and its Influence on General Virtue and Happiness, editee par Burton R. Pollin, Quebec, Les Presses de l'Universite Laval and Albany, State University of New York Press, 1972, pp. 1-55. Théâtre chapters which were especially influential on Constant's De l'Esprit de conquete are in Constant's translation: Book IV, chapters XVI "Sur les Causes de l'Anarchie," XXIV "De l'Esprit de conquete," and XXV "De la Justice Politique," pp. 191-230; these were Book V, chapters XVI to XXIV in the book as published by Godwin. William Godwin, Enquiry concerning Political Justice, abridged and edited by K. Codell Carter, Oxford, Clarendon Press, 1971, pp. 210-22. The influence of Godwin on Constant has been discussed by: Elizabeth W. Shhermerhorn, Benjamin Constant, 2nd printing, New York Haskell House, 1970, pp. 179, 188; Harold Nicolson, Benjamin Constant, Garden City, New York, Doubleday & Co., 1949, pp. 285-89; Georges de Lauris, Benjamin Constant et les idées liberales, Paris, Arthur Rousseau, 1903, p. 22; Charlotte T. Muret, French Royalist Doctrines since the Revolution, New York, Columbia University Press, 1933, p. 72;
 Mary Susan Hartman, The Liberalism of Benjamin Constant during the Bourbon Restoration in France, New York, Columbia University Ph. D. dissertation, 1970, pp. 21-62, 108, 132-34, 140, 268-71; Hartman noted: "The Censeur most clearly articulated the left-wing liberal discontent. ... Most important, the Censeur warned that the power of the executive in the constitution was too great," p. 177.

Like Godwin, Constant was influenced by Adam Smith's concept of "natural order," and he sought the replacement of public, feudal property by private, commercial and industrial property, and the destruction of public institutions which destructions he viewed as liberations. Constant opposed Rousseau's conclusions in Social Contract as a surrender of individual rights since it opened the way to arbitrary actions by the nation against a single individual. Godwin had used Condorcet's Life of Voltaire in which Condorcet used Voltaire's emphasis on the role of education, invention and applied arts and science in the progress of civilization (Dunoyer's frequent references directly to Voltaire's writings may have been an attempt to avoid reliance upon "contemporary" sources as well as a vindication of Voltaire following the anti-philosophe campaign under the empire which continued directly to Dunoyer's intellectual formation). Condorcet stressed progress based on "improvement of instruments which increase the power and direct the exercise of these facilities" (Political Justice was published before Condorcet's Esquisse d'un tableau historique des progrès de l'esprit humain which had a major impact on the thinking of the Ideologues on this topic). A clear influence on Godwin was the Ideologue historian, Constantin Francois Volney's The Ruins, or Survey of the Revolutions of Empires (1791) which was translated into English by James Marshal, Godwin's amanuensis. Volney (1757-1820) posited that public happiness could be only the sum of individual happinesses and viewed natural rights as basic to mankind's progress. Godwin shared Volney's utilitarianism and viewed technological progress and rise in living standards due to increase in knowledge as progress of civilization. Godwin's favorable view of labor-saving machinery which increased comfort and material goods paralleled the views of Dunoyer and Herbert Spencer regarding the essence of the progress of civilization.

7. Nicolson, Benjamin Constant, pp. 285-89; Lester G. Crocker, Nature and Culture, Ethical Thought in the French Enlightenment, Baltimore, The Johns Hopkins Press, 1963, 453; Pollin, Education and Enlightenment, pp. 4, 62-64, 95-96; Dominique Bagge, Les idées politiques en France so

7. (cont.)

Anthony Strugnell, Diderot's Politics, pp. 114-17, 196-217;

R. Fargher, "The Retreat from Voltaireism, 1800-15," The French Mind, Studies in honour of Gustave Rudler, Oxford, Calrednon Press, 1952, pp. 220-37; O. F. Volney, The Ruins, Exerter, Joseph Mann and Company, 1823, pp. 38-39, 93-104. The concept of the distinction between the ancients' conquests and the moderns' industry which was the basis of Constant's De l'Esprit de conquête and influenced Dunoyer's industrialism was drawn from Voltaire's Lettres Philosophiques, lettre VIII. Ephraim Harpaz, L'Ecole liberale sous la Restauration, Le "Mecene" et la "Minerve" (1817-1820), Geneve, Librairie Droz, 1968, pp. 31-32; Karl J. Weintraub, "Voltaire," Visions of Culture, Chicago, University of Chicago Press, 1966, pp. 19-74
Hayden V. White, "Romanticism, Historicism, and Realism, Toward a period concept for early 19th Century Intellectual History," in Hayden V. White, The uses of history, Detroit, Wayne State University Press, 1968, pp. 45-58.

The direct influence on Dunoyer of Constant's L'Esprit de conquête is discernable in the articles on international relations which Dunoyer wrote. Dunoyer presented his analysis in a review-article of Louis-Gabriel-Ambroise, Vicomte de Bonald's Réflexions sur l'intérêt général de l'Europe, suivies de quelques considérations sur la noblesse.⁸ De Bonald sought to show how the Congress of Vienna could end the course of revolutions and of wars which had disturbed the interior tranquility of states and the amity of peoples. De Bonald had posited religion and monarchy as the basis of medieval European society which had been overthrown by the reformation of Martin Luther. After a century and a half of war, a general pacification was proposed at the treaty of Westphalia; but according to de Bonald the "spirit of the reformation dominated it, and one made peace without destroying the principle of war." Lacking a general system of unity, the powers sought to achieve peace by the balance of power. "But, this new system, far from assuring peace, only served to organize war and to render it nearly permanent. All the powers remained armed." The balance of power became a pretext for the ambitious to look forward to a universal domination. De Bonald saw the wars of the French Revolution and Napoleon as continuations of the wars of religion: "The war which came to a conclusion has been a war of irreligion, excited by the claimed philosophique doctrines, which are only themselves a degeneration of the Reform and the last consequences of its dogmas." Thus, de Bonald viewed the objective of the Congress of Vienna to be the destruction of philosophique doctrines and the ending of the balance of power. Dunoyer was especially impressed by de Bonald's citation of a passage of Voltaire that the balance of power

⁸ 1789-1848, London: Bernard Quaritch, 1952, pp. 77-79.
⁹ Censeur, IV, 133-37.

6. Censeur, IV,

; Henri Moulinié, De Bonald, Paris, Librairie Felix Alcan, 1915; Moulinié, Lettres inédites du Vicomte de Bonald, Paris, Librairie Felix Alcan, 1915; and Bruce Mazlish, Burke, Bonald and De Maistre: A Study in Conservatism, New York: Columbia University Press, 1952.

Dunoyer felt that de Bonald's thought was best expressed in his view that the family as an organization was the basis of the state and that ~~states are states as families~~ a great family composed of the most aged and most young, the strong and the weak, the great and little." Since for de Bonald a family requires an absolute ruler, the Christian family of states required the rule of the Pope. However, de Bonald's more practical recommendations centered on preventing war through making^{ing} France a completed society. For that purpose, de Bonald requested the Congress of Vienna to grant to France its natural borders, especially along the Rhine. De Bonald insisted that rather than fearing France, the princes at the Congress of Vienna should fear the principles of revolution which carried France through Europe. England's fear of France's commercial and industrial strength had led England to take the wrong measures in limiting French commerce; according to de Bonald, England should seek to maintain in France institutions which give to the spirits and habits of the French a different direction than industry and commerce. Indeed, Dunoyer noted that de Bonald felt that England would find its greatest threat in its own industry and commerce: "England ought only to fear it in itself and its constitution. The evil of ~~commercial~~ state is, according to M. de Bonald, to be condemned to make war. Commerce which philosophy has proclaimed as the universal bond of peoples, is, by its nature, a necessary state of hostility, when it is even, between the merchants established in the same city, in a habitual state of competition." Thus, to convince the Congress of Vienna to return to France the Belgian provinces ~~de Bonald advocated~~ the restoration of the Old Regime in France, which he described as a completed society, a closed society. Dunoyer quoted de Bonald's proposal adding his own observations in parentheses: "having nothing to fear, nothing to desire, nothing to acquire and nothing to lose, tranquil with all its neighbors

to lose, tranquil with all its neighbors ..., it is able to act on itself and to employ its natural talents and its acquired knowledges to fully repair (that is to say without doubt to retract all which has been done since twenty-five years) ...; to heal the wounds made against religion (that is to say to return the clergy in possession of its ancient wealth) ...; to repair the blows carried against property (that is to say to annul all the sales of national lands)."¹⁰

Dunoyer was strongly struck by de Bonald's response to the expansion of population which accompanied the centralization of France. De Bonald underlined the opposition between the society in France which he wished restored. De Bonald contrasted the institutions and customs which were engendered by industry and those engendered by feudalism which in religion provided "those institutions and those customs which impose other engagements and inspire other tastes than those of marriage," and in politics "those immense feudal estates, true granaries of abundance, which feed the indigent class, and had prevented growth among them." Dunoyer commented: "That passage makes it too clearly enough seen that, in the system of M. de Bonald, the multiplication of monks and the progressive decrease of the population will be one of the most great means of conducting society to perfection." De Bonald strongly advocated the creation of a corporation of nobles who would have a monopoly of the offices of power in the state.¹¹

De Bonald held that the liberal ideas which he was combatting were based on the philosophique doctrines which had caused the wars of the revolution. Dunoyer challenged de Bonald's interpretation of recent French history. De Bonald had supported all the wars of France for a century previous to the revolution because they were justly seeking the complete the border of Gaul, the Rhine frontier. Dunoyer emphasized that in 1791

10. Ibid., pp. 138-44.

11. Ibid., pp. 145-46, 197-209.

the first use that was made of the liberty derived from philosophique doctrines was the decree not to undertake offensive war. Dunoyer asked de Bonald whether it had been philosophique doctrines which led thousands of Frenchmen to leave their motherland in order to create enemies against it among the peoples of Europe, which formed the oath of Coblentz and the coalition of Plinitz, which led the Prussian army into France and caused the manifesto of the duke of Brunswick to be issued. Dunoyer continued:

And if the nation, justly indignant at seeing its territory invaded and its liberty menaced at the moment when it came to legislate that it would never make an unjust war, responded with furor against the enemies who, for the price of its moderation, came to devastate it and to enslave it; if it covered with their blood the soil of its land; if, in defending its independence, it caused greater evils to Europe, is it then the crime of philosophy? strange accusation, that of M. de Bonald! The defenders of liberty have only sought to repel odious aggressions, and he wished to make a crime of their resistance! 12

Dunoyer distinguished between the defensive wars fought under the Republic and the wars of Napoleon which lacked the justice of the earlier wars. Dunoyer denounced any association of Napoleon with philosophy which he had violently attacked; "philosophy and liberty had not at all entered into the wars undertaken by Bonaparte." // Dunoyer suggested that if Bonaparte had been less the absolute prince proposed by de Bonald, liberty and free institutions would have prevented the wars about which de Bonald complained. Dunoyer supported the popular institutions and the spirit of commerce against which de Bonald argued as "popular and presbyterian institutions" which would lead to "vile and shameful future wars for sugar, coffee, cotton and salt fish." Dunoyer agreed with de Bonald's formulation that the effect of liberty was to create the spirit of commerce and industry. Dunoyer said: "a people, by the very fact that it is free, ought to raise itself naturally to all the professions which are able to extend the circle of its enjoyments, and that commerce is one of the most suitable to that end." 13

12. Ibid., pp. 147-53.

13. Ibid., pp. 158-62.

Dunoyer expressed the analysis of economic relations which had been pioneered by Adam Smith and developed in France by Jean-Baptiste Say and which showed the advantages for each party in international division of labor and commerce. Dunoyer emphasized that de Bonald started with a deep prejudice against commerce and men who engaged in trade and industry, and failed to have any conception that rather than hostility commerce by necessity brought men together. Dunoyer noted that it was where people were not free and did not enjoy liberty that commerce could be the subject of conflict between nations. Dunoyer believed that if the major European nations established free institutions including freedom of trade, England's commitment to economic monopoly might be a cause of war. But, he hoped that the new direction which liberty gave to the spirit of European peoples would cause the development both of commerce and a commercial spirit, a spirit enlightened as to true interests. This enlightenment would prevent England from dividing the European peoples and by their unity European peoples would cause England to end its monopolistic claims.¹⁴

Having challenged de Bonald's claim that it was philosophique doctrines rather than despotic governments which caused wars, Dunoyer praised de Bonald's criticism of the system of balance of power. Dunoyer expressed the fear that the Congress of Vienna was seeking a new balance of power, rather than a general pacification. The balance of power system required that all the interests and passions of the lesser powers on each side perfectly join together. While the natural tendency of the powers of each side to seek a preponderant position operates, any powers left outside the system would cause discord. England's claim to commercial monopoly gave ~~it an interest to keep the continent distracted by a continued policy of~~
^{14. Ibid., pp. 103-06.}

perpetual war. A principle objective of International relations for Dunoyer was to prevent England from applying its means to excite wars. However sensible Dunoyer found de Bonald critique of the balance of power concept, he did not accept de Bonald's alternative - grant France its natural frontiers and restore the ~~closed~~ society of the Old Regime so that France could make disinterested interventions in the affairs of other states, and restore the ascendancy of the Holy See over European states. On the latter point, Dunoyer presented the views ^{offered} presented by de Bonald in his Essai historique sur la puissance temporelle des papes.¹⁵

Even should the proposals of de Bonald be accepted, Dunoyer asked what was the necessity of those proposals. Dunoyer found that the nations of Europe were not at all natural enemies, but were united by many ideas, many feelings and many common interests. The prosperity of each people was interrelated with the prosperity of all other peoples. Dunoyer said:

The peoples are then naturally united, and it is a question of only preventing their chiefs from troubling their unity; but the organization of a central government, such as the European parliament of M. de Saint-Simon, or the sovereignty of the pope of M. de Bonald, does not seem at all necessary for that; one would have done enough, it seems, to assure peace, if, in each state, one had created the institution proper to control the passions of government. 16

15. Ibid., pp. 167-88. Regarding the Rhine frontier, Dunoyer noted that should England take Belgium, the demand would be made to establish the line of Marshal Vauban. Dunoyer insisted that France would not feel completed by the Rhine frontier; it would ~~be completed~~ ^{be completed} at least the Elbe, but seek to extend from the Atlantic Ocean to the Gulf of Venice and from the Mediterranean to the Baltic. Having half of Germany under its dominion, France would make of Poland an advanced mounted sentinel. Dunoyer added that with the absolute monarchy proposed by de Bonald, Europe would be even more alarmed to cede Belgium to France. Ibid., pp. 193-95.

16. Ibid., pp. 188-89.

Dunoyer added that as a step in that direction national representations would have to be established in each state and in addition to contributing to limiting the power of governments, the representatives would exercise a strong influence on foreign relations. Dunoyer noted that this matter had ~~been discussed~~ in that volume (IV) of the Censeur in the analysis which was made of the writing of European reorganization by Saint-Simon. As the signature of that review, G. F., has been attributed to one of the editors, as it was customary for Comte and Dunoyer to refer to their own articles in subsequent articles they wrote, and as the style of G. F.'s articles appears to be that of Dunoyer, it will be analyzed as part of Dunoyer's writings. In addition, the review and the essay concerned an area which was the major concern of Dunoyer, international affairs. "De la réorganisation de la société Européenne par M. le comte de Saint-Simon et par Thierry"¹⁷ had been published in October, 1814. Comte and Dunoyer had published in volume three of the Censeur the "Lettre de M. le comte de Saint-Simon, sur l'établissement du parti de l'opposition."¹⁸ The letter contained some ideas which were part of a larger scheme of Saint-Simon which formed an article by Saint-Simon in ~~the fourth~~ ^{the} ~~fourth~~ ^{fourth} of the Censeur: "Projet d'une association des propriétaires des domaines nationaux,"¹⁹ The Bulletin of volume four of the Censeur contained parts of Saint-Simon's Prospectus d'un ouvrage ayant pour titre: Le Défenseur des propriétaires de domaines nationaux ou Recherches sur les causes du discrédit dans lequel sont tombées les propriétés nationales, et sur les moyens d'élever ces propriétés à la même valeur que les propriétés patrimoniales which was to appear bi-monthly until the price of national lands reached the price of feudal lands.²⁰

17. Censeur, IV, 63-87; Saint-Simon, Oeuvres, Paris, E. Dentu, 1868, I, 150-248, notes citations in Censeur, IV, 63-87 and 189.

18. Censeur, III, 334-56; this is noted in Saint-Simon, Oeuvres, II, 6.

19. Censeur, IV, 10-31; Saint-Simon, Oeuvres, II, 7.

20. Censeur, IV, 352-64; Saint-Simon, Oeuvres, II, 8.

17 (cont) F. H. Hinsley, Power and the Pursuit of Peace, Cambridge, at the University Press, 1967, pp. 102-12.

The publication of articles authored by Saint-Simon and Augustin Thierry in the Censeur was part of a close association between Saint-Simon, Thierry, Comte and Dunoyer which lasted for several years. Some of the activity of Saint-Simon and Thierry was undertaken from the offices of Dunoyer and Comte who appear to have placed their physical facilities as well as their intellectual facilities at the disposal of Saint-Simon during the period in which he was associated with Augustin Thierry; and when Thierry terminated his association with Saint-Simon in the spring of 1817, ^{former} the remained closely associated with Dunoyer and Comte becoming their deputy as editor of the Censeur Européen for several years.²⁰

Augustin Thierry was praised in the review's concluding sentence; the student and collaborator of Saint-Simon "had the right to our elogies for the part which had taken in this work." The reviewer in that final paragraph appeared to attribute to Thierry the strong, simple and precise manner in which the book was written. That was very different than the works of Saint-Simon before Thierry became associated with him in 1814. The critic felt that the humanistic viewpoint in the book imposed respect. That viewpoint and the major themes in the book were expressions of the attitude of Saint-Simon, and the reviewer found them generally lacking in depth or in practicality. At one level, the review seems an attempt at instruction of Saint-Simon in a medium he might be more willing to accept

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21. Rulon Nephi Smithson, Augustin Thierry, Social and Political Consciousness in the Evolution of a Historical Method, Genève, Librairie Droz, 1972, 9-75; Friedrich Engel-Janosi, Four Studies in French Romantic Historical Writing, Baltimore, The Johns Hopkins Press, 1955, pp. 208-120; Kieran Joseph Carroll, Some Aspects of the Historical Thought of Augustin Thierry (1795-1856), Washington, The Catholic University of America Press, 1951, pp. 1-21; F. A. Hayek, The Counter-Revolution of Science, Glencoe, Illinois, The Free Press, 1952, pp. 117-42.; Robert Fossart, "La théorie des classes chez Guizot et Thierry," La Pensée, 59 (Janvier-Février 1955), 59-69. cont.

"After the fall of the Empire, three men aspired to the leadership of pacific liberalism. There were, first, two young lawyers turned journalists, Charles Comte and Charles Dunoyer, who founded a periodical called Le Censeur (The Censor) to propagate their ideas. Then there was Count Henri de Saint-Simon, an older man who had not yet succeeded in satisfying the literary and scientific ambitions that consumed him. ... At the same time, Saint-Simon, Augustin Thierry, Charles Comte, and Dunoyer discovered that positive politics was political economy, the principles of which had been set out by Adam Smith and J.-B. Say. ... In 1816 and 1817 - influenced perhaps by Augustin Thierry, Charles Comte, and Dunoyer - he /Saint-Simon/ had gone as far along the liberal road as he would ever go. He had just broken with Augustin Thierry precisely because Thierry's intransigent liberalism was incompatible with Saint-Simon's views on the importance of ideas of authority and discipline in politics. ... In the following year - at a time when he had actually broken with Augustin Thierry - Saint-Simon declared expressly that it was from Charles Comte that he had taken the distinction, thereafter fundamental in his social philosophy, between two irreducibly distinct regimes, one "military or governmental," the other "liberal and industrial." From Saint-Simon, the distinction was transmitted to Auguste Comte, from Auguste Comte to Buckle, and from Buckle to Herbert Spencer, who gave it world-wide popularity." Elie Haekévy, The era of Tyrannies, Garden City, New York, Anchor Books, 1965, pp. 23, 28, 40, 30. However, Henry Thomas Buckle was influenced directly by the writings of Charles Comte.

than criticism in conversation. This aspect may explain also the editors' use of one of their 'house-initials' to sign the review.

Saint-Simon is told that however well-reasoned his writing appears unreasonable and encouraged ridicule because he did not maintain the necessary separation between political theory and actual politics. While political theory concerned "the nature of the social compact, and the reciprocal rights of governments and peoples," practical political analysis concerned the politics and the institutions as they existed and "of Europe at that epoch, in that situation and in that circumstance." Political theory is drawn relatively quickly as a building drawn on paper with compass and ruler; practical politics is built painfully and slowly on imperfect terrain with "material prepared the greater part of times for other usages." Saint-Simon appeared to be an "architect reckless enough to attempt to subordinate the practical to the rigorous designs of the theoretical." Saint-Simon's "beautiful conceptions" "anticipated vainly the slow march of centuries." That situation compounded the injustice of the ministry instructing journalists to say anything bad and say nothing good about the work. To do justice to the work the reviewer disregarded Saint-Simon's practical suggestions and concentrated on the political theory.²²

All societies, according to the reviewer, were founded as federations of men; the social compact was based upon the principle of association. A major motive for confederations in modern times was the achievement of peaceful relations in freedom and without domination; the United States, Holland, and Switzerland were presented as examples. Peace was necessary due to the development of commerce and industry. "However, it is very certain that all peoples have a common need for peace and tranquility; the more civilization, commerce, industries and the arts are perfected,

22. Censeur, IV, 63-66.

the more war becomes wasteful to them."²³ The contrast which Constant had drawn in L'esprit de conquête between the ancients and the moderns was strongly described to show the importance of industry for modern peoples. The "ancient peoples of Greece and Italy,"

by their situation, by their habits, by the consequence of the extreme imperfection of their commerce and of their industry, came to love war with a passion; it was on war chiefly that they founded their public revenue, and nearly their subsistence. But, we, what a difference! What ~~we~~ depressing need have we to go to engorge ourselves? The Greeks and the Romans were born soldiers; we are born artisans, manufacturers, merchants, laborers.²⁴ ...

But, it is certain that the progress of enlightenment, the good example given by certain nations, the universally felt need for order, the daily development of diverse parts of the social economy call ceaselessly among peoples still submitted to illegitimate governments to the great reforms which France came to sustain. It is a necessary revolution, but which should be slow, moderate, insensible.²⁵

Europe's hope was the development of constitutional and parliamentary governments. France's constitutional system under the Charte was still untested. If the executive viewed the attribution of the power to make war and peace as a nominal one, the reliance on the legislative body was more likely to contribute to peace. England was proposed as an example of such constitutional practice; and if European states adopted such constitutional practices England would lose its interest in domination and profit from not in the future being excluded from civilized European society ~~has~~ "a devouring ulcer." But, England offered the best proof of the good influence that representative institutions exercised on foreign relations. The motions against the usurpations of the Congress of Vienna of Samuel Whitbread (1758-1815) in the house of commons were strongly commended. "Does one believe that if, in France, the Flaugergues, the Bedochs, the Raynouards, and if in Russia, in Prussia, in Spain, in Austria, the men of this temper received the positions of representatives, they would have responded to the noble movement of the English opposition."²⁶

23. Ibid., pp. 67-69.

24. Ibid., pp. 69-70.

25. Ibid., pp. 71-72.

26. Ibid., pp. 75-77.

The reviewer noted the failure of Saint-Simon to propose the model of the United States. The American constitution was established by the states because "these nations sought to simply ^{if} their diplomacy by bringing together more their representatives." Thus, the European parliaments and congress of European states should be composed, as in America, of cultivators and merchants. Peace would be the general objective of such representatives because among modern and commercial peoples there was not the vice of ambition to conquer. Constant's concept of the spirit of commerce and industry among modern peoples as a source of peace was the standard against which events were judged by the Censeur. In contrast to Constant's method and approach, Saint-Simon's were found very lacking. Saint-Simon's proposals for contemporary Europe were lacking in practicality. As a result of Saint-Simon's theories he proposed a joint parliament drawn from the French and English parliaments with a joining of their public debts. Saint-Simon's tendency to leave some ideas too sketchy and others, as the fixing in advance of the revenues of the members of a European parliament, too much developed, was criticized. Saint-Simon's tendency to look to organization per se was noted. Saint-Simon looked to the feudal system of the high middle ages when "the popes directed princes and peoples." Saint-Simon's view that this caused peace was challenged on the ground that there were not nation-states to carry out large wars but only a multitude of small wars. Saint-Simon's seeking of over-arching concepts and lack of use of historical facts was seen as a weakness in his approach.²⁷ These were failings which were not applicable to Constant whose careful and deep analysis commanded the respect of Comte and Dunoyer.²⁷

The intellectual excitement which Constant's L'esprit de conquête caused for Dunoyer and Comte was off-set by Constant's participation in

²⁷ Ibid., pp. 78-86.

Napoleon's government of the Hundred Days. They examined Constant's works more critically and found that they had drawn logical conclusions from his work which were beyond his own conclusions. Charles Comte presented some of this attitude in his review in the seventh volume of the Censeur of Principes de Politique, Applicables à tous les gouvernements représentatifs, et particulièrement à la constitution actuelle de la France; par M. Benjamin Constant, conseiller d'état.²⁸ Constant wished to show that accepting an office under Napoleon did not mean his deserting the cause of liberty. Comte said that those who believe in liberty in theory only would be convinced by Constant's book but that those who prefer freedom in reality would need something more than a book. With a view to Constant's "little sudden conversion" Comte felt that someone in office had to support liberty in a much more clear manner than what a simple individual would do, as in writing a book. Comte felt that if the council of state became once again a mere method of expression ^{of} Napoleon's will that Constant would have resigned. Comte felt that Constant should not be remembered for the mistake he made during the Hundred Days but for the talent and zeal he placed in defense of liberty:

He added then that he had not wished to unite with our enemies, and to beg for the carnage of the French to raise again a second time what had befallen recently. ... We are assuredly very far from blaming M. Benjamin Constant for not having gone to Ghent to solicit among the English, the Russians and the Prussians, the invasion of France; but it does seem to us that it was possible to abstain from going to Ghent without entering into the conseil d'état. For the rest, if he had done wrong in accepting public offices from Napoleon, it is a crime which he has in common with many persons, which it is necessary to have refused to have the right to complain about it.²⁹

Constant advocated that political power could not infringe upon individual rights which men possessed independent of political authority, such individual liberty, religious liberty, liberty of opinion and of publication, enjoyment of property and the guarantee against any arbitrariness. Comte noted that the limits on political sovereignty

28. Censeur, VII, 78-115.

29. Ibid., pp. 113-15.

were set by public opinion. The question of property rights was an example. Comte underlined Constant's own opinion about property. Constant expressed a prejudice in favor of landed property. He wanted to give electoral rights to owners of real property because cultivators were engaged in an occupation which was constant, progressive and regular in its habits. Constant felt that industrial property influenced men only by positive profit and thus lacked regularity of habits; industry suffered from a tendency toward quick gains and losses rather than the slow and sure progress of agriculture. Constant viewed industrial property as creating interdependence among men, rather than self-standing independence. This subject would continue to be the subject of debate between Constant and Dunoyer for more than a dozen years. Constant viewed industrial progress as causing political agitation and fantasies of luxury. He said: "In the industrial property there is nothing that speaks to the imagination, nothing to memories, nothing to the moral part of men. ... The improvements of landed property is never able to be separated from the soil which receives them and of which they become part of the country. Industrial property is not susceptible to amelioration, but to increase, and that increase is able to be transported." Comte, in his criticism of Constant's prejudice against industrial and manufacturing property, notes an important kind of property, which is derived from the analysis of J.-B. Say, intellectual property:

The author, in according to landed property, this preference over industrial or manufacturing property, admitted however that the refusal of political rights to merchants, of which the activity and the opulence doubled the prosperity of the country that they inhabited would be an injustice, and more an impudence, when it would be necessary to place wealth in opposition to power; but he observed that the exclusion would not at all hurt those of the industrial proprietors that it would be troublesome to exclude, because they are all in some way also landed proprietors. There is a third species of property to which M. Benjamin Constant had not thought that one ought to attach the right of election to national assemblies; it is intellectual property. A doctor, for example, is able to reap from his profession profits as real and as considerable as those which a rich proprietor reaps from his lands.³⁰

Constant opposed Hobbes and Rousseau for granting unlimited power to sovereignty. But, Comte noted that a nation when it acts upon one or on several of the members, divides its sovereignty. The sovereign can be neither the faction which oppresses nor the faction which is oppressed. The concept of sovereignty was an abstract one so that in practice it disappeared as a legitimate force. By acting on various individuals in society government exercised illegitimate sovereignty, limited solely by public opinion. Dunoyer in his article in the sixth volume of the Censeur, "De l'influence de l'opinion sur la stabilité des gouvernements; et de la discordance qui existe entre l'esprit des peuples de l'Europe et la politique de leurs chefs,"³¹ began with Constant's observation that actions are successful if they fulfill the spirit and opinion of an age. Constant's view was presented on page two of his L'esprit de conquête. Dunoyer noted that depending on the times, opinion is dominated by passion for war, ardor for conquests, respect for religious beliefs or love of liberty. In recent times, he saw the emergence of "liberal principles, liberal ideas," characterized by the "spirit of commerce and industry."³²

Dunoyer examined the role of religious ideas in antiquity and after the rise of Christianity. Dunoyer presented the progress by which the Christian Church gained power when the Roman Empire sought to support itself with the influence which the Christian Church had gained in public opinion. Finally, the papacy without finances or armies was able to exercise through its influence of public opinion dominance in Europe. The renaissance was seen by Dunoyer as introducing enlightenment while the abuses of the papacy created the Reformation which created a new opinion which could not be overcome by political power. However, the parallel to the role of religious opinion was the emergence of political opinion.³³

31. Censeur, VI, 141-60.

32. Ibid., pp. 141-44.

33. Ibid., pp. 145-150. Concerning Constant's views of religion see, Ralph Raico, The place of religion in the liberal philosophy of Constant. Tocqueville. and Lord Acton. unpublished Ph. D. dissertation

Dunoyer found that peasant opinion had established liberty in Switzerland against Austria, in Holland against Spain, in England twice against the Stuarts, in America against England, in Poland against the three partitioning powers, in France against the monarchy and then against the European coalition, in Spain against France under Napoleon, in Europe against Napoleonic rule, in France against Napoleon, in America a second time against England, and finally, in France causing Louis XVIII to abandon his throne. In the most recent incident, Dunoyer felt that it was the role of opinion expressed through freedom of the press which caused the end of the first restoration. Dunoyer presented his analysis in terms drawn from Constant's writing.

The origin of the ideas which form today the base of opinion date already from more than three centuries. It shows itself at the epoch where letters, industry and commerce had been born in Europe. The revolutions which had commenced since then operated in the situation of modern peoples and had insensibly fixed the traits of their character and determined the direction of their sentiments and of their ideas. When these people had commenced to enjoy the benefits of sciences and fine arts, of industry and of commerce; when they had seen what a fertile source of pleasures and of wealth they had opened to them, their greatest desire obliged them to have the power to cultivate the one and exercise the other without opposition and without the rack, and to enjoy with tranquillity ~~the~~ well being to which they were obligated. The love of liberty and of peace was obliged to be born in Europe at the same time as enlightenment and commerce; and the more enlightenment made progress, the more commerce increased and multiplied its relations, the more they together added to happiness and to the prosperity of people, the more that sentiment was obliged to develop itself, to extend itself and strengthen itself.³⁴

But, the revolution in the opinion of the people did not take effect in the governments because the governments were dominated by a different people in each country, the nobles. European nobility, in Dunoyer's view formed a people apart in the midst of the peoples of Europe. The nobles remained committed to warlike attitudes rather than the pacific spirit engendered by the innocent conquests of industry and the peaceful arts

of commerce. The nobles and government officials "also retained in the midst of European civilization, the arrogant and barbarous customs of the feudal ages; while the peoples formed only thoughts of peace and of liberty, they always maintained their ancient ideas of war and of domination." The spirits and the conduct of governments were in permanent opposition to those of the peoples. "Thus, in addition to the purposes of conquests, the governments undertook wars to combat the tendency of the modern peoples to liberty.

Finally commerce which is the principal cause of the tendency of peoples toward peace has become itself for the government a very active cause of wars; because their stupid passions have entirely denatured the spirit of it. When they had seen that immense riches it was able to produce, each of them wished to ~~makagataang~~ in commerce with the rest of the earth, without bearing in mind that these exclusive pretensions of each came necessarily to destroy it for all. Then, to the spirit of commerce, which is essentially pacific, has succeeded the spirit of monopoly, which is essentially hostile, and which is able to give birth to all the disorders and all the crimes, as proven so well to all the universe by the political infamy of the English government.

Thus while the culture of arts and sciences, the work of agriculture and of industry, and chiefly the liberty so necessary to commerce made of peace the most pressing need of peoples and the first object of their voices, the passion of kings for conquests, the interests of their despotism and their absurd ideas of monopoly had constantly drawn Europe into a system of wars that push aside all their interests.

35

In France for the previous twenty-five years, the spirit of peace and liberty had overthrown the seven or eight governments which were contrary to it; similarly, Dugoyar expected that the spirit of liberty and peace would frustrate the objectives of the Congress of Vienna. Yet, the passion for government remained undestroyed by the spirit of liberty and peace; liberty remained subordinate to government: "there is no part of human existence that had not been subjected to a more or less oppressive and arbitrary regime; and one found in the social order no sure guarantee of his person, nor that of his wealth, nor that of the free and just exercise of his faculties." Conscience and thought were controlled, "police were charged to listen to discussions and to spy on proceedings," industry had its supervisors, commerce its tariffs, and

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36

Government control of education was ~~admittedly~~ ~~governed~~ ~~by~~ ~~Dunoyer~~. Since public opinion was considered the principal limitation on the powers of the governments and since education along with the press, was the basis upon which public opinion was formed, Dunoyer advocated freedom of education. Dunoyer's position was derived from the debates on freedom of education which took place during the French Revolution. Pierre Claude Francois Daunou (1761-1840), whose association with Dunoyer during the Restoration led to his contribution of articles to the Censeur Européen, had been a major force in the development of the écoles centrales as well as the creation of the Institute. Daunou, with Lakanal and Sieyès, desired that education be freed in order to be supplied by private initiative. Daunou emphasized that liberty was a necessary condition for scientific progress. This concept formed an important part of the educational and economic thought of Destutt de Tracy who was associated with Dunoyer during the Restoration and had been active in the educational policy of the Directory as the leading Ideologue. Francois Guillaume Andrieux, president of the Tribunal and contributor to the Décade, said that if it was better "to leave action to individual interest," then private market education should be the norm: "There would be then competition, emulation, as Smith, Mirabeau, etc., have not hesitated to embrace this last policy." Jean-Baptiste Say advocated the market approach to education in his Traité d'économie politique (1803).³⁷

The Censeur took the lead in radical opposition to the state education system established by Napoleon, and with the Journal de Paris, formed the "liberal anti-university courant."³⁸ Dunoyer, faithful to liberal doctrine, repraised the regime of monopoly for causing the

37. Joanna Kitchin, La Décade, pp. 3-10, 179-84, 200.

38. J. Poirier, "L'Opinion publique et l'université pendant la première restauration," La Révolution Française, t. 56 (1909), 234-70, 330-42, especially, pp. 237-38, 200.

37. (cont.) Dunoyer was familiar with Destutt de Tracy's observations on the

languor and somulence of the teaching body, and vaunted the competitive system, which stimulated individual initiatives. He stated that the University, after the experience of the first Restoration, never able to become liberal under the monarchy, was then radically evil, and that "the best regulation for public instruction would be to abrogate those which exist and to declare it entirely free."³⁹

Dunoyer presented his criticism of the state educational system in a long review of Exposé de l'état actuel de l'instruction publique en France; par M. Izarn, inspecteur-général de l'Université.⁴⁰ Dunoyer, drawing on the views of a Professor Camard, preferred showing students how to acquire knowledge than to give knowledge to be memorized. Dunoyer felt that the imperial educational system was not as good as the pré-revolutionary system.⁴¹

39. Ibid., pp. 267-68. "The Journal général spoke of the "enemies of all order and of all regulation" who complained of not being able to teach latin to their sons in the materialist Lucrécia, as well as in Cicero. One was so at the following it, to hope to gain for the University the partisans of the old education, but one "is not obliged to be flattered to bring over the partisans of the revolutionary spirit."

"They are represented by the Censeur. In 1814, the Censeur only spoke of the University incidentally, in its review of the press, in November; it attacked the Journal général, which "took under its protection, in exalting the eminently monarchical principles of the grand master, principles that Bonaparte knew so well to appreciate and to recompense;" and it called to its account the definition that a writer had given of the imperial institution! "An expensive and vexatious means ... of implacing in the spirit of young people the proper notions of things by the opinions suitable to perpetuate slavery in France." Ibid., p. 267.

40. Censeur, VII, 116-183. A new edition of Izarn's work was mentioned in the Mercure de France, t. V, 24 Janvier, 1818, p. 192.

41. Censeur, VII, 116-24, 183.

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After surveying the educational programs of the empire, Dunoyer concluded that government direction of education paralyzed liberal instructions, and over time ruined the hope for liberty. Under the empire, the concept of absolute monarchy received full expression, and passive obedience became the central ~~précepte~~ in the schools. The grand master of the University presented the mysteries of monarchy to the students. Dunoyer concluded:

Finally, while one sought also to inculcate in young people the sentiments of servitude, one did not take less precautions, in another sense, to prevent their acquiring any idea of independence: one avoided explicating for them in the latin authors all which recalled the love of the ancients for liberty; one mutilated in the same spirit, several classics; finally, one had proscribed the teaching of constitutional law, and one had arranged that the young people not be able to acquire, in the course of their studies, any notion of principles of government: in creating the faculties of law, one had established no chair of constitutional law. Such was the direction that the University had impressed on publishing instruction under the imperial government, and it has not appeared under the reign of Louis XVIII, that the principles became more liberal.⁴²

Dunoyer found the ordinance of February 17, 1815 to have made changes too minor to be considered as a change at all. The vice in the educational system could be cured only by not having education based on a law. Dunoyer criticized the way in which the educational bureaucracy taxed both the teachers and the parents. Dunoyer asked: "What is the competence of government in the matter of public instruction?" For Dunoyer, the government role in education was similar to any act by which the government intervenes where it has no right. Dunoyer viewed the freedom of education as similar to the freedom of the press. He criticized the monopoly of decree granting which the University had been given. "One sees, not at all, in effect, what it is able to hinder the faculty of teaching any more than of going, coming, speaking, writing, or ~~either~~ of our faculties."⁴³

42. *Ibid.*, pp. 129-43.

43. *Ibid.*, pp. 143-57.

Dunoyer's advocacy of "total liberty of teaching" was rooted in his concept of the market, as well as political theory. Anyone opening a school needed only the confidence of the public who were the consumers of his services. The consumers would be the best and only judges of the suitability of any school. Dunoyer added: "I would add that the government, in taking to itself so the ~~direction~~ direction of education, not only criminally assaults the liberty and property of citizens, but it essentially negates the progress of good studies...."⁴⁴

If the pretext of general interest suffices for the government to be able to obtrude in the conduct of private interests, there will be no reason that it not wish soon to invade everything, that it not wish to regulate our fields and our vineyards, to introduce itself as master in our homes and to exercise there all the powers of a father of a family: all that in effect touches, more or less near, to the general interest.⁴⁵

Dunoyer summarized the extent of the imperial government's control over manufacturing and commerce, publishing of books and newspapers, religion, schools and the Institute. The violations of private rights created bureaucratic posts which further strengthened the government. But, the enrichment of government must mean the exhausting of private wealth, the ending of competition, the enfeebling of industry and finally civil war. Dunoyer continued:

I believe then that it is very useless that the government intermeddle in the direction of education, or more, I believe it very necessary that it not meddle in it, and that it leave it entirely free. One is able, in this regard, to be reposed with confidence on the mutual interest of men who teach and of those who wish to be instructed. When the first are masters who chose the methods and the second have the choice of professors, one is able to count that the last will chose the professors who will follow the best methods, and that the first will adopt the methods which will procure for them the most students. That, you will say, does not prevent that one will soon see a prodigious diversity in methods. Is your uniformity worthy of merit, does it do better than that of diversity? You fear that one will not know

44. Ibid., pp. 156-59.

45. Ibid., pp. 159-60.

to stop at what is good; me, I fear that you will not know to disengage yourselves from what is bad. You fear that the freedom of education will expose it to continual innovations; me, I fear that the servitude that you have placed on education will render impossible all improvement.⁴⁶

Dunoyer believed that government regulation of education drove away the most talented teachers; while freedom from government regulation would make the profession of teach the most noble in society. Dunoyer noted that until then good writers had not been teachers; he believed that the imperial education had made it less likely that savants would enter the career of teaching. He foresaw in education freed of government control a valuable competition which would benefit the students. Dunoyer invoked Adam Smith's Wealth of Nations (t. 4, p. 147) in the translation of Garnier in support of educational arguments.⁴⁷

Dunoyer express strong doubts about the concept of licensing by the government. He did not believe that it was proper for the government to certify someone as a lawyer as he felt that the public as consumers would form a judgement as to capabilities. "It is then in general useless enough that one submits persons who wish to exercise certain professions to the obligation of taking certain grades, when that is not at all the basis on which the public accords or refuses its confidence." The matter of emergency needs of a doctor, pharmacist, man-midwife raised, for Dunoyer, the question of possible submission of proofs of study before public practice. But, in general, he felt that the use of licensing created a false confidence among the consumers. As a parallel, Dunoyer believed the university faculties to suffer from worse teaching than other place. Their monopolies suffocated alternative institutions of learning. He believed that the sciences would profit from the abolition of the faculties "the things that one learns best are precisely that which there do not exist any faculties" such as natural sciences and the fine arts. Dunoyer

46. Ibid., pp. 161-65.

47. Ibid., pp. 166-75.

concluded with his striking statement: "The government, in our sense, is only able to make one good regulation of public instruction, it would be to abrogate all the regulations which exist and to declare public instruction entirely free."⁴⁸

In addition to Benjamin Constant, Dunoyer later wrote recalling the new influences on his thinking after 1814, the comte de Montlosier made a very important contribution. He introduced Dunoyer to a developed concept of class conflict between the industrial producers and the privileged feudal orders, whose privileges were based upon conquest. Dunoyer said:

A work published a little while after by a man whose ideas deviated much from those of M. Benjamin Constant contributed still to engage the mind in its observation. I wish to speak of the curious work of M. de Montlosier on the French monarchy. This writer, in pointing out what he called the usurpations of the classes formerly tributary, in showing how these industrious classes had freed and raised themselves, has worked, without seeing it, to render extremely sensible the vital force of industry.⁴⁹

Montlosier noted that in the midst of the feudal system there arose a new society, a new people with their own customs, and their own production. The new people developed parallel to the old, feudal people, and engaged it in combat. Money, cities, science, universities, commerce and industry rivaled land, estates, courage, honor, and arms. The new people seemed to impose their new spirit, new laws and new institutions. Montlosier noted with disdain that the new people continued to base itself on its customs and on commerce and industry: "he is indignant to see that the sciences, commerce, industry have usurped the sacred rights of birth; and by the tone of humor with which he speaks of these forces long scorned, he only succeeds the better to make their power stand out."⁵⁰

Montlosier's major work, De la monarchie française depuis son établissement jusqu'à nos jours, had been composed at the order of Napoleon, ^{and} was published under the Bourbons in 1814. It was reviewed in the sixth volume of the Censeur and signed by the 'house-initials' G. F.

48. Ibid., pp. 176-83.

49. Dunoyer, "Notice historique sur l'industrialisme," Oeuvres de Charles Dunoyer, III, 176-77.

50. Ibid., p. 177. Robert Casanova, Montlosier et le parti prêtre, Paris, Robert Laffont, 1970, pp. 35-40, 51.

Montlosier's viewpoint was summarized as that he loved his country, but he loved it as of the times of Charlemagne, Hugh Capet and Saint Louis. Montlosier viewed feudalism as a perfect system, outside of which there was only disorganization. Throughout French history Montlosier saw two races in France, the conquering Franks of Germany and the conquered Gauls. The conquerors absolutely excluded the majority of people by the creation of privileges which eliminated the influence of civilization, enlightenment and industry. The feudal system as described by Montlosier was condemned for dividing all men into warriors and slaves of the soil, which was "incompatible with our nature," but was maintained due to the imperfect development of mankind.⁵⁰

While for Montlosier, the ideal of feudal organization was expressed in the times of Louis-le-Hutin and of Philippe-le-Long, Dunoyer and Comte preferred the 'disorder' of the loosening of feudalism under Louis XIV and Louis XV. For them, feudalism was a usurpation, and taxation was a struggle by the government to destroy the savings of the new people which otherwise would suffocate the feudal system. The government's attempts to maintain the privileges it grants results finally in revolution. "The peoples will punish one day with what justice this arrogant insolence which finds liberty only in the slavery of others; at that price we would wish not even the liberty of the Romans or the Spartans." Montlosier's argument that instead of interest in liberty for the non-privileged classes, effort should be placed on the providing for the needs of the people through an ordered and controlled society, was countered by a criticism of status society. "The man who lacks bread today, is able tomorrow, either in himself, or in the person of his children, to raise himself by the aid of industry and of talent to the rank of

proprietor, of representative, of administrator, or of general of the army."⁵²

The moralist would condemn feudal dominations as usurpations; but Montlosier sought to show that "since Philip the Fair until our days, all the powers and the rights which had been raised on the debris of feudalism, are only ~~these usurpations~~ illegitimate usurpations." The natural warrior spirit of the Gauls had been weakened by cultivation of the land and habitation of cities during the period of Roman dominance; the Franks brought the pure warrior spirit with them from Germany when they conquered Gaul and took over the control and the tribute of the land. Montlosier had discussed at length the sources of feudalism from Roman, Gallic and German practices; but he is criticized for seeking legal bases for serfdom rather than in the common source of conquest.⁵³

Since the book had been undertaken by Montlosier originally to justify the creation of the empire by Napoleon, he emphasized that changes in dynasty among the French occurred following military victories - defeat of the Huns led to Clovis, defeat of Saracens led to Carolingians, defeat of Normans led to the Capetians. The reviewer underlined Montlosier's purpose of justifying the new imperial regime. Montlosier engaged in a polemic with earlier historians of feudalism: M. de Boulay-villiers, abbé Dubos, président Hénault, M. de Valois and Montesquieu. But, it was the rise of the cities and their achievement of rights which initiated the "most important revolution of modern times" and was the source of the great importance which Dunoyer attributed to the writing of Montlosier. Dunoyer in his "Notice historique sur industrialisme" had quoted as central to the formation of his own thought and the profound change which had occurred in it as a result of reading Montlosier, the passage which had already been presented in this review in the sixth

52. Ibid., pp. 196-208.

53. Ibid., pp. 209-215.

volume of the Senseur:

We will see elevated in the midst of the ancient state, a new state; in the midst of the ancient people, a new people; in the midst of the ancient customs, of the ancient institutions, and of the ancient laws, new customs, new institutions and new laws. We will ~~gontotsesee~~ a double state, a double people, a double social order, progressing along for a long time parallel the one to the other, attacking each other at the next point, and combatting each other with fury.⁵⁴

The review continued: "Such was that great revolution had been itself the source of a multitude of revolutions; which, "in propagating itself in all Europe, had covered it with wars and troubles," had replaced the imperial cities of the German empire with the Italy of republics; had expanded chiefly a multitude of new rights, of new states, of new doctrines and constitutions." The Renaissance which was a fruit of this development received the strong criticism of Montlosier. Montlosier associated feudalism with the Francs virtues of the heart - courage, honor, devotion. Montlosier spoke of people imagining that this could be rivaled by the faculties of the mind. He said: "Study accorded much with all that population of cities, which had the leisure and opulence and sedentary habits: one resolved to give a great consideration to study" Montlosier's view that the activities of the mind and study were a conspiracy met a direct contradiction; the people desired to instruct themselves and to push forward the limits of knowledge. Montlosier's ~~different~~ believing that the "high deeds of memory" could be the equal of the "high deeds of courage," was underscored.⁵⁵

While the cities received enfranchisement, freeing them from feudalism, the peasantry conceived the concept of franchise to free them from feudal tributes. They revolted and burned the chateaux. The reviewer emphasized that the jacquerie was insufficient to destroy feudalism and thus could only be the precursor of the more complete jacquerie which overthrew the monarchy with the debris of feudalism. The failure of the peasant revolution

54. Ibid., pp. 218-25

55. Ibid., pp. 225, 200-201.

required the longer process of the development of sciences, morality, arts and industry to create the conditions for the abolition of feudalism. The development and construction of society was seen as requiring the violence of the French Revolution. But, for Montlosier, the revolution was a disaster which required a warrior (Napoleon) to restore order; for Dunoyer, Napoleon led France to enslavement and battlefield deaths. Napoleon's despotism was the more bitter as it succeeded the hopes of the consulate. The successive revolutions leading to that point were noted in the review: the revolution of August 10 representative of the property owners against the feudal nobility; the revolution of May 31 of the sans-culottes; the revolution of the 9th of thermidor using the "system of the Brissonnets" to possess themselves of state power.⁵⁶

The discussion of Montlosier's writings was continued in the seventh volume of the Censeur reviewing Montlosier's continuation of his work centering upon the first Restoration. Montlosier was critical of the failure of Louis XVIII to come to terms with the revolution. But, Dunoyer, again using the 'house-initials' G. F., insisted that it was even more insane for Napoleon to refuse France peace when that it was its highest objective. Louis XVIII was criticized for not accepting the Constitution created by Lanjuinais, Flaugergues, Lafayette, etc. because they were considered Jacobins. Louis XVIII said he would do everything to save France except what would save France; he intensified factionalism and resisted the tri-color. Louis XVIII failure to accept the Senate's Constitution and his issuance of the Charte by ~~emancipation~~ remained for the editors of the Censeur a major cause of the failure of the first Restoration. The review asked "What is then the true origin of governments when the governors are the same as brigands and robbers on the highways."⁵⁷

56. Ibid., pp. 227-43.

57. "De la Monarchie Française depuis le retour de la Maison de Bourbon jusqu'au 1er. Avril 1815. Considérations sur l'état de la France à cette époque; examen de la Charte constitutionnelle, de ses défauts et des principes sur lesquels l'ordre social doit être rétabli." Œuvres complètes de Montlosier, t. VII, 184-214.

Louis XVIII was criticized for returning from his two exiles with the aid of foreign armies and of a fanatical party of émigrés. The supporters of the king represented an old generation which violated the concepts and the hopes of a new generation. Montlosier's ability to find the root causes of the problems of the first Restoration were welcomed. He emphasized the foundations of society in the home, the family and local social relations and customs, and showed the fallacy of viewing social reality as constitutions and leading officials. The reviewer concluded that at the moment of the second Restoration in France what was necessary was the acceptance by the king of the model of the house of Brunswick (Hanover) when it was brought to rule in England.⁵⁸

The model of Hanoverian England could look especially attractive to Dunoyer in the late summer of 1815. Comte commented in the seventh volume of the Censeur: "We have return to that poor charte, which has been so tormented during ten months, and which we have so constantly and so faintly defended. It has received and receives even every day such grave attacks that it is hardly recognizable, and ~~the~~ had even ceased to suspect its existence, if one did not know that it is to be found in the Bulletin des lois, under number 25."⁵⁹ Much to Dunoyer's and Comte's dismay the chambers of representatives and peers had been closed by the foreign troops and replaced by the new ministry of the second Restoration. Dunoyer, in "Travaux de la dernière chambre des pairs," noted that while the peers had been insufficiently independent during the Hundred Days, it was more independent than under the acte additionnel than had been the case under the charte of the first Restoration. Dunoyer recalled that on June 20, 1815, Comte Latour-Maubourg proposed with almost no opposition the freeing of the large number of people who had suffered exile or arrest under arbitrary laws. Dunoyer reproached the legislatures which ruled in revolutionary France for twenty-five years for their

58. Ibid., pp. 198-99, 203, 213-14.

59. Ibid., p. 358.

none of them had known how to make any rights respected; and their weakness or their deviations have been such that, in all the course of the revolution, one had not seen a single epoque where our right sacred rights had not been all so precarious and often much more that those above us made no effort at all to ~~improve them~~ ^{defend them}. Under the convention and under the directory, under the consulate and under the empire, under the restoration and under the usurpation, arbitrariness had always been extreme, and ~~things were~~ ^{things are} yet to the point, that a minister, a prefect, a sub-prefect, or authorities more subordinate yet, what can I say? of men without any character, infamous agents of police, attacked always the liberty of citizens with the most incredible impudence. ... It will be able to end these excesses only when one is able to refuse to obey arbitrary acts; and one will dare to disobey these acts only when one is able to count on the support of the courts, and that the popular assemblies cease to be the accomplices of the ministers. 60

By ordinance, Louis XVIII declared that peers who served during the Hundred Days had renounced their peerages. Dunoyer, in "Demission our destitution de vingth-neufs pairs de France," insisted that such an action could be done only by a judgement of independent magistrates. Further, he issued a strong attack on the whole system of government which he denounced as exploitative and indicated the uselessness of government offices: "France was only one vast farm exploited to the profit of an individual by agents called mayors, prefects, judges, deputies or peers of France, For the rest, if we have lost some friends of liberty, we will become consoled in imagining that we have gained the acquisition of forty-three counts, four dukes, three viscounts, and what is more, of twenty-two marquises, a species which appeared to us extinct." After indicating the illegalities of the action, he emphasized that among these removed were "those who defended the rights of the nation and our freedoms, such as MM. Latour-Maubourg, Pontécoulant, Valence and some others." 61

61. (cont.) and part of the constitutional party which was associated with Lafayette through political and family ties. Paul Chanson, *Lafayette et Napoleon*, Lyon-Paris, Editions IAC, 1958, p. 217.

On July 13, Louis XVIII had dissolved the chamber of deputies and convoked the electoral colleges which met on August 14 and August 22, returning an Ultra-royalist majority which formed the Chambre Introuvable. The elections were predated by the White Terror which Dunoyer reported in the Bulletin of the seventh volume of the Censeur, 2 juin - 6 septembre 1815: excesses in the Midi (including massacres of Protestants) at Marseille, Nismes, Avignon.⁶² As a check on the anti-constitutional assembly, Dunoyer favored the concept of the hereditary peerage as the peers would defend the people against the assembly "composed of a turbulent and revolutionary aristocracy."⁶³

8 With the second Restoration, Pasquier sought to make up for the mistake of the 1814 press law by abolishing the first section of the law. Fouché advised more limited change; articles 3, 4 and 5 were small publications was abolished while article 9 on political control of newspapers remained. On August 8, 1815 a decree was issued that all journals must apply for a new authorization and were to be examined by a newly formed censorship committee. On August 15 Fouché ordered the shareholders of each journal to nominate an editor-in-chief responsible for depositing a copy each day with the censorship committee subject to suspension or suppression. Within a month, editors were threatened for putting out editions different than the approved first editions.⁶⁴

But, the publication of the Censeur came to an end. Having failed in the attempt at banishing Dunoyer and Comte, Fouché on September 4 ordered the confiscation of the Censeur, volume seven. Dunoyer and Comte did everything in their power to gain the release of volume seven during the following year, but without success. Fouché may have acted when he recognized that his term as minister of police was being terminated. Fouché was removed as minister of police on September 15 but held to his office until September 20 when he was replaced by Elie Decazes. But, Talleyrand likewise was removed as prime minister on September 21.

Dunoyer and Comte appeared to feel that the minister of Justice, Pasquier, had been involved in the seizure, perhaps because it was continued even after the fall of Fouché.⁶⁵

Dunoyer and Comte, even if they pursued the matter of the seizure of the seventh volume of the Censeur separately, could not consider the launching of a new journal. The new minister of police, Decazes, exercised firm control over the press combined with arbitrariness and uncertainty: "The worse features of the system, during the three years in which Decazes was in charge, were arbitrariness and muddle."⁶⁶ The new ministry of the duc de Richelieu found the Ultras of the Chambre Introuvable, which met on October 7, 1815, firmly committed to strongly repressive measures; it passed a series of law which formed a second or legal White Terror - law of general security (October 29), law on seditious speech and publications (November 9), re-establishment of provost courts (December 27), and the Amnesty law (January 12, 1816). However, both the ministry and the statesmen of the European powers were alarmed at the repression which the Chambre Introuvable proposed. In mid-August, 1816 the decision was made to dissolve the chamber and to introduce a more liberal tone in the ministry along with a less Ultra-royalist chamber of deputies. The ordinance to dissolve the Chambre Introuvable was signed on September 5, 1816. Dunoyer and Comte, along with most of the liberals who had been more or less excluded from public life, welcomed the elections for a new chamber and alteration in the tone of the ministry as a new era. September 5, 1816 became a new reference point for political commentary. It was considered as a third Restoration.⁶⁷

64. Collins, The government and the newspaper press in France, pp. 8-10.

65. Bertier de Sauvigny, The Bourbon Restoration, pp. 117-23; Bernard, Talleyrand, pp. 437-54; Cole, Fouché, pp. 301-306; Censeur Européen, I, avant-propos.

66. Collins, The government and the newspaper press in France, pp. 10-12.

67. Bertier de Sauvigny, The Bourbon Restoration, pp. 130-40.

What Dunoyer called the third Restoration of September 5, 1816, a year following the seizure of the seventh volume of the Censeur, opened for Dunoyer and Comte the opportunity to resume their careers as political commentators. During the fall of 1816 they hoped to issue the seventh volume of the Censeur as the first volume of their new publication. But, as the judicial process over that seized volume continued unresolved (the seizure was upheld in early 1817), Dunoyer and Comte launched the new journal with the new essays which they had been writing. The first volume containing the new writings was declared for publication on December 19, 1816. In the Avant-Propos they noted that they did not consider their publication to be a periodical, as it would not appear at fixed times. The matters to be treated by Comte and Dunoyer were to be severely limited and as a result they hoped to be able to publish twenty volumes during the course of two years. Actually, they did bring the publication of the journal to a conclusion after a little more than two years - the twelfth volume was published in April, 1819. However, they did not complete the twenty volume goal because of the numerous prosecutions which they suffered under the press laws. For example, the sixth volume was announced on September 12, 1817 and the seventh volume on March 28, 1818, or the tenth volume was declared on September 24, 1818 and the eleventh volume on February 15, 1819.⁶⁸

Dunoyer and Comte added the word European to the Censeur in this new publication both because they believed that the Censeur Européen would reach a wider, European audience and because they wished to suggest that the matters covered would be of a general level - that they would be "philosophique." "One of the principle objects of this work is to collect the useful thoughts which are published in Europe on the moral and political sciences." They believed that ideas were

68. Collins, Newspapers, pp. 14-16; Ephraim Harpaz, "Le Censeur Européen" Histoire d'un Journal Industrialiste, "Revue d'histoire économique et sociale, XXXVII, 2, 200-201; Censeur Européen, I, avant-propos.

better understood when compared with the opinions of others and when seen how they were judged from afar.⁶⁹

Comte and Dunoyer initiated the new publication with a careful explanation of their opposition to Bonapartism. They noted that previous to the appearance of the fifth volume of the Censeur, "Bonaparte, profiting from the discontent of the troops, came for the second time to seize authority by armed means. As he had seen that he was able to succeed in his enterprise only by professing principles for the defense of which the French had supported the most bloody wars, the authors of the Censeur showed that this conduct was condemned by his principles, and that the acclamations of an armed force had not been able to confer on him any legal authority at all." The seizure of the fifth volume by the new imperial government could not be upheld they emphasized because it was not possible "to brave public opinion with impunity." They underlined that the second Restoration maintained Fouché as police minister with the result that they suffered under the second Restoration for their deeds during the Hundred Days. Fouché "had against the authors of the Censeur powerful motives of vengeance; he had found them beyond his offer and his menaces; and of all the crimes, it is that which men in office forgive the least." They detailed how Fouché had placed them on the list of proscription, but that someone with greater importance (Talleyrand) had removed their names. They added: "If this fact, which they do not guarantee, is exact, they beg that person to receive ~~Marshall~~ the token of their recognition." But, Fouché was able to strike at them by the seizure of the seventh volume of the Censeur, "and more happy this time than he was under Bonaparte, he was not at all obliged to return it."⁷⁰

Comte and Dunoyer found the Chamber elected in August, 1815 too violent, they explained, that it made discussion of political matters impossible. They described the Ultra-royalists as guided by fury, while the ministry was too weak to defend justice and too strong when it attacked the constitution. Dunoyer and Comte concluded that their only proper course

was to withdraw from publishing their political analyses: "the men who did not hold to any faction, and who did not aspire to any favor, had nothing better to do than to condemn themselves to silence. This was the part that the authors of the Censeur choose." But, how different they asked themselves, was the situation in the fall of 1816 compared to that of the fall of 1815?

Individual security is destroyed; the provincial courts judge writings in certain instances; and a part of France is occupied by foreign armies. Have the authors of the Censeur Européen enough independence to say the truth? They have enough, at least they dare to hope so, to say all that they judge useful, and to be turned only by the influence of truth itself. For the rest, each ought to see that it is no more by a project of a law or by an ordinance that the fortune of the state depends; the evil comes from much further, and it is much more difficult to bear the remedy for it.⁷¹

Comte and Dunoyer emphasized that the violence which governments undertook against liberties of the people caused people to center their analysis of this danger on governments themselves, and to direct their attentions solely on the possessors of authority. But, by their concentration on governments and on the holders of power, the people merely replaced one government with another and one set of power holders with another, with the end that the peoples activities to re-gain their liberties end resulted in increased power for government officials. Liberty required that men understood it, wished to execute it and respected it. They insisted that people must constantly watch their liberty and that any one who wanted a law passed, participated in its passage or the whole people who accepted it were as bad as holders of power. It was the opinion, enlightenment and spirit of the people which created liberty and maintained it. In sum, the Censeur Européen declared itself opposed to war, generals, nobles and soldiers, to financiers who desired tariffs and balance of trade, and to manufacturers who wanted prohibitions, subsidies and privileges.⁷²

69. Ibid., avant-propos.

70. Ibid., avant-propos.

71. Ibid., avant-propos.

72. Ibid., avant-propos.

The strong opposition to the desires of manufacturers and financiers to gain government privileges indicated the ability of Comte and Dunoyer to draw the logical conclusions from the analysis of class conflict which they derived from Montlosier's writings. But, it reflected also their increased commitment to the study of economics under the influence of Jean-Baptiste Say and his writings. The introduction to the Censeur Européen does not speak in terms of the editors' presenting ideas very different from those which were published in the Censeur. The style of the journal had evolved. But, much of the evolution in the style and organization of the articles had occurred during the Censeur, once the more or less weekly publication of the first volume of the Censeur had to be transformed into indefinite publication. Comte and Dunoyer did not consider the style of the Censeur that different from the Censeur Européen since they had hoped to use the seized seventh volume of the first as the initial volume of the second. They launched the Censeur Européen with three thousand copies per volume in contrast to the forty-seven hundred issues of the Censeur. The shock of the contrast between the rather free-wheeling situation of the first Restoration and the Hundred Days had been followed by the rigidity of the White Terror of the second Restoration. Events seemed more settled and the public was more cautious so that it was wise business practice to publish a more limited production. Charles Comte seemed to feel that the adoption of the more "philosophique" approach had caused a reduction in popularity compared with the Censeur. During the press trials in the summer of 1817, Comte said: "In changing also the direction that we have followed, in order to take the direction which appeared to us ought to be the most useful for the public, it is evident &.. that our work lost a great part of the popularity which it had had until then...."⁷³

73. Censeur Européen, V, 317. Ephraim Harpaz, "Le Censeur Européen" Histoire d'un Journal Industrialiste, II, "Revue d'histoire économique et sociale" XXXVII, 3, 354-55.

Years later Charles Dunoyer believed that there had been a wide difference between the views expressed in the Censeur when it was seized in the fall of 1815 and in the Censeur Européen when it was begun in the fall of 1816. He described the impact of the Constant's view that industry was "the unique object of modern nations," of Montlosier's historical discussion of the formation by industry of a new class opposed to the feudal class, and of Say's improvement on the concepts of Adam Smith, on the production of physical goods by industry, and the inference that industry is the major objective of society. But, he did not believe that these writers had a true or full grasp of the meaning of industry.

For the rest, if it is doubtful that these writers had appreciated the political consequences of their observations relatively to industry, it is not that these observations did not shed on politics a new day singularly favorable to its progress. Their writings, fell into the hands of several men who made this science their special study, causing a revolution in their ideas. Such was notably the effect that they produced on the authors of the Censeur.

These writers had been forced by the reaction of 1815 to suspend the course of their publication. This violent interruption of their work, which had a duration of more than a year, permitted them to examine at their leisure the direction that they had followed until then. They asked themselves if the liberal opposition, if the constitutional politics, had an object well determined; and, without misunderstanding the high degree of usefulness which the efforts which some made to establish certain institutions can possibly have, they were obliged to confess to themselves that in general they did not know, that they had not asked themselves, where society ought to be heading and in view of what general object of activity it ought to be constituted.

It was easily visible however that this was the first thing to know; for institutions are only able to be good when they are well adapted to the object of society; it is clear that to adapt them to this object it was necessary to look for it, it was necessary to understand this. They applied themselves then at first to discover the aim towards which social activity ought to direct itself, or rather that aim which was indicated by the writings of which I have made mention. They did not say with M. Benjamin Constant that industry was the object, and the unique object of modern nations: enough passions for domination (noble, clerical, mercantile) occupy the scene as yet, for one to be able easily to recognize in peoples that honorable disposition to prosper only by peaceful work and regular exchanges. But what M. Benjamin Constant established in fact, they possess in principle. They recognized, not what industry was, but what it ought to be, what it was destined to become, that it becomes more and more the aim of modern nations, and that the mission of political writers ought to be at this time to verify this aim and to investigate how society is able to attain it. Such was also their object in the new work which they undertook, under the title of the Censeur Européen, a very different production from that which they had already published under the simple title of the Censeur, and of an order infinitely more scientific and more elevated.

Whatever the reason that Dunoyer wished to see a vast difference between the Censeur and the Censeur Européen, the difference does not seem so evident or clear-cut from this distance. Constant's commentary had been published before the Censeur was launched and was reflected in the articles in the Censeur. Doubtless, the Hundred Days caused Dunoyer and Comte to look with a more clear and critical eye at the writings of Constant. But, that was reflected in the sixth and seventh volumes of the Censeur. Similarly, reviews of Montlosier's books had appeared in those volumes. So that there was too great a distinction drawn by Dunoyer when he declared:

The merit of the Censeur Européen was to appreciate the part that it extracted for the progress of social science from the knowledge of this fact, well stated by history, and on which M. de Montlosier came to throw a light so new and so lively, that, since the remote times, and notably since the twelfth century, the industrious classes have never ceased to increase in number, in wealth, in knowledge, in dignity, in influence. It drew from it this evident consequence that industry is the vital principle of society, and it showed that to industry alone it appertains to conserve society, that it only is capable of rendering society prosperous, moral, peaceful, etc.⁷⁵

Although reference was made to Jean-Baptiste Say's economic writing already in the early issues of the Censeur in the summer of 1814, it was again in the sixth and seventh volumes of the Censeur that the works of Say received detailed attention. Volume six contained a review of Say's recently published results of investigative mission to England: De l'Angleterre et des Anglais (par Jean-Baptiste Say, auteur de Traité d'économie politique),⁷⁶ and volume seven had Comte's review of the Traité d'économie politique, ou Simple exposition de la manière dont se forment, se distribuent et se consomment les richesses; par M. J. B. Say, ex-membre du Tribunal.⁷⁷

74. Dunoyer, "Notice historique sur l'industrialisme," pp. 178-80. During the Hundred Days, Carnot and Constant had worked to emphasize the role of industry in society. Emile Le Gallo, Les Cent-Jours, pp. 216-18.

75. Dunoyer, "Notice," pp. 180-81.

76. Censeur, VI, 161-76.

77. Censeur, VII, 45-77.

The explosion of interest in Say's writings in the final two volumes of the Censeur was the result of Comte and Dunoyer meeting Say during the Hundred Days, his interest in them, their close association, and finally the marriage of Comte in 1818 to Say's daughter, Adrienne.

It is at this epoch that MM. Comte and Dunoyer encountered at the home of M. Gregoire, ancient bishop of Blois, the celebrated economist Jean-Baptiste Say, who appreciated them, who entertained them at his home, and of which the relationship became much later for M. Comte the origin and the source of his domestic happiness.⁷⁸ Mignet noted that while he was at the university Dunoyer studied the works of the eighteenth century writers who had influenced the French Revolution, especially Locke,

Condillac, Destutt de Tracy and Bentham. Condillac's method was fundamental for the work of Say as well as Destutt de Tracy. The discussions of Comte and Dunoyer during the empire of Bentham's writings were made possible by the French translations of Bentham's works, such as Pierre Etienne Dumont's translation of the Manual of Political Economy in the Bibliotheque britannique (Geneva, 1797-98). Comte Destutt de Tracy is referred to by Mignet as Dunoyer's "venerable master," while Victor de Tracy was Dunoyer's close friend. In his economic studies, Destutt de Tracy had developed the concept that the productive people in society were the scholars, entrepreneurs and workmen, while government was unproductive, sterile and wasteful.⁷⁹

When Dunoyer recalled the influence of Say's new edition in 1814 of the Traite, he noted that "political economy only considered human industry in one of its applications, in its application to the formation of material wealth' but, in showing how physical goods which we possess are always the fruit of some useful work, it leads to the recognition of how all the

78. "Funérailles de M. Comte, Discours de M. Berenger ... 15 avril 1837," Institut Royal de France. Academie royale des sciences morales et politiques, Paris, Firmin Didot Freres, 1837, p. 3.

79. Mignet, "Charles Dunoyer, Notice ... 3 mai 1873," Nouveaux Eloges Historiques, Paris, Didier, 1878, pp. 243-45, 270; Edgard Allix, "La Methode et la conception de l'economie politique dans l'oeuvre de J.-B. Say," Revue d'histoire des Doctrines economiques et sociales, IV (1911), pp. 321-60; Jay W. Stein, The Ideologues, their theories and Politics, New York, Columbia University Ph. D. dissertation, 1952, pp. 174-90. Over

79. Bertier de Sauvigny, The Bourbon Restoration, pp. 343-51.

79. Destutt de Tracy basing his thinking on Locke viewed property as a necessary, inevitable and inalienable aspect of individual personality; Man was born a property-owner anterior and superior to any institution. Ownership of land arose from the mixture of one's labor with the natural resource. Thus, he found feudal land control a negation of property ownership. Feudal landholders gained the land by ~~direct~~ conquest directly or indirectly through political power. Jean Cruet noted of Destutt de Tracy! criticism: "One bears for feudal landholders "a superstitious love and respect." That is absurd. They are only speculators and parasites, and not cultivators." For Destutt de Tracy, agriculture was a form of industry (and not a more productive or worthy undertaking as the Physisocrats held); a farm was a manufactory and a field was a tool. But, the feudal rulers had expanded their control from landed industry to all industry and expanded their feudal dues into general taxation. In contrast to the productive work of commercial, industrial and ~~farm~~ agricultural workers, there was a sterile class of parasites whose political power enabled them to live off the productive class. These parasites were for Destutt de Tracy the "wasps of the hive." Jean Cruet, La Philosophie Morale & Sociale de Destutt de Tracy, pp. 77, 52-53, 69-70.

possible goods are the fruit of work, and it tends also to consider industry, that is to say the union of all the useful professions, as the only aim that one is able reasonably to assign to the activity of society." ⁸⁰

Say became the most important French economist during the Restoration. Say as editor of the Ideologue Décade and in his Traité (1803) strengthened the new influence of Adam Smith's economic concepts in a France where those of the Physiocrats had been dominant. Condorcet represented the beginning of a transition from the exclusive agrarianism of the Physiocrats, but his initiatives toward industrialism remained limited. But, the impact of the industrial revolution in France (it had reached the point of inauguration of standardization of manufactured elements by 1785) upon Condorcet, had more far reaching repercussions on the thinking of Say and Destutt de Tracy. However, the frame of reference of Physiocratic thinking remained significant. For them, ~~natural~~ society existed before the state. Natural society was absolute, necessary and permanent; the state was relative, accidental and provisional. The Physiocrats' anarchism looked forward to the disappearance of the state. Condorcet strongly articulated this individualism and his thought was accorded more attention in the Décade than that of any other writer. ⁸¹

Say held that only man in a state of advanced personal well-being could achieve the natural perfection of which Rousseau spoke. Only where the society is natural can natural and social perfection be achieved; economic society for Say is natural; but political society is not natural and thus it inhibates man's perfection. Say's optimism and naturalism were fundamental to the economic thought which he introduced. His premises were based on those of many of the Physiocrats as well as on Rousseau. The Physiocrats placed the age of gold in the future in contrast to Rousseau;

80. Dunoyer, "Notice historique sur l'industrialisme," pp. 177-78.
81. Joanna Kitchen, La Décade, pp. 110-36, 198.

they posited an individual naturalism a posteriori to Rousseau's individual naturalism a priori. The influence of Rousseau's individualism along with that of Adam Smith caused Say to negate the political means which many Physiocrats had favored. The individualism of Say's thought led him through economic naturalism to obviate the political system. In putting aside the acceptance of a political system, which the Physiocrats hoped to rationalize, Adam Smith established his strong difference from them. His contribution was rooted in a utilitarian naturalism in which economic and social relations flourished in the absence of political action, however rational the intention.⁸²

It was upon Smith's optimism and naturalism that much of the debate occurred in England and France following the French Revolution. While Thomas Malthus and the English economists opposed the French Revolution and the Industrial Revolution or saw them as ~~unhappy~~ necessary, Say and the French economists were favorable to these revolutions as were Smith's English followers, Mackintosh (the friend of Constant), Paine and Godwin.

Amongst these democrats who were opposed to Burke, Mackintosh, Paine, Godwin submitted so strongly to the influence of Smith that they ended by showing themselves the insufficiency of the Declaration of Rights. Nothing catches this more than to see Mackintosh subordinate natural rights to utility, Paine simply juxtaposed the two doctrines, and Godwin, finally sensing the necessity of choosing, perfected the ideas of Paine in disassociating government and society, in showing that, far from relaxing the social bond, the abolition of government binds it tighter. ... Goodwin in accord with the tradition of utilitarian naturalism of Smith, had sacrificed politics to economics. It was economics that the artificial utilitarianism of Bentham sacrificed to politics. ...

... is it not Adam Smith's optimistic utilitarianism that J.-B. Say begins anew? In such a manner that definitely will his political economy be founded actually less against Godwin than against Bentham, less against the utilitarian rationalism of Bentham than against the pessimistic utilitarian naturalism of Malthus and Ricardo?⁸³

82. Ernest Teilhac, L'Oeuvre économique de Jean-Baptiste Say, Paris, Librairie Felix Alcan, 1927, pp. 176, 64, 193. Lester C. Crocker, Nature and Culture, Ethical Thought in the French Enlightenment, Baltimore, The Johns Hopkins Press, 1963, pp. 47, 444-48, 482-95, 219-325; Crocker, Rousseau's Social Contract: An Interpretative Essay, Cleveland, Press of Case Western Reserve University, 1968, passim; Mario Einaudi, The Physiocratic Doctrine of Judicial Control, Cambridge, Harvard University Press, 1938, passim; Ronald L. Meek, The Economics of Physiocracy, Cambridge, Harvard University Press, 1963, pp. 313-15, 322-23.

82. (cont.) John Weiss, "Adam Smith and the philosophy of anti-history,"
in Hayden V. White, The uses of history, pp. 15-31.

In contrast to the Physiocrats, for many of whom, the model was Chinese agrarian despotism, for Say, America was the model of the young, fresh, active, unrefined society whose industrialism and anarchism would contribute to human perfection. Say said in his Traité (1803, I, 393):

Here we indicate the point of contact between political economy and pure politics. Everyone is convinced that the sacrifices that the state of society imposes on us are especially the least where the government is best..... In which country is one best governed, that is to say least governed at the cheapest cost than in the United States?

84

Dunoyer's interest in the United States, his comments upon American affairs, and his placing of articles, especially about Franklin, in his journals, reflected the interest of the Ideologues and particularly of Say in the Décade. Say published much of Franklin's works in the Décade; for Say, as for many French radicals, Rousseau was associated with Franklin and Jefferson. Say corresponded with Jefferson, as did Destutt de Tracy, so that one might say that they and their followers established in France a Jeffersonian image of America. Dunoyer especially was an heir to that Jeffersonian image; according to Koenraad W. Swart:

Prior to the Revolution of 1830 the American dream also appealed to many republicans and liberals, some of whom like Charles Dunoyer and Chateaubriand looked to the United States as the country that would take over the leadership of Western Civilization from an old and decaying Europe."⁸⁵

Robert Fulton represented an ideal American in Paris with his book on improvement of canal navigation, which Say reviewed, and his successful steamship sailing on the Seine, reflecting the development of industrialization. The attitude toward industrialization was a crucial test for economists. Smith's positive economic attitude toward industry distinguished him from the Physiocrats, but from Malthus and his successors in England as well.

83. Teilhac, Say, pp. 231-22.

84. Ibid., p. 176.

85. Durand Echeverria, Mirage in the West, A History of the French Image of American Society to 1815, Princeton, New Jersey, Princeton University Press, 1957, pp. 275, 216, 222-24, 232; Kitchin, La Décade, pp. 194-95. Lawrence S. Kaplan, Jefferson and France, an essay on politics and political ideas, New Haven, Yale University Press, 1967, passim. Koenraad W. Swart, The Sense of Decadence in nineteenth century France,

Just as Malthus' writings were a response to Smith, through Godwin, Say's industrialisme was a re-affirmation of Smith and Godwin. "If from the Wealth of Nations, the Traité of Say derived in one part only his germs of industrialism, he derived in another part only the single optimistic branch of his utilitarian naturalism; and he made this double part coincide. If he industrialized nature, he naturalized industry." The application of industrialization in absolute freedom would result in general well-being. The Décade saw an indefinitely increasing prosperity due to economic freedom or capitalism, and to the use of machinery applying new technology and scientific discoveries. For Say, the facility of accumulating capital, in a society free of privilege, was one of the causes of indefinite human perfectability. Say credited his friend the abbé Henri Grégoire, the founder of the Conservatoire des Arts et Metier, with recognizing the solution of human progress which machinery was providing. ~~When~~ From the Tribunal in 1803 for publishing the Traité and refusing to accept a bureaucratic position, Say undertook to apply the recent developments in machinery to industrial production. He established a cotton spinning which eventually employed almost four hundred persons. "J.-B. Say was intimately involved in the emergence of large scale industry. He was, in effect, one of the most remarkable types of those manufacturers of the Consulate and of the Empire, of those first great entrepreneurs who sought to place in cooperation the new technological processes." When he sold his business a decade later as the Empire was ending, Say re-entered the intellectual life of Paris with a complete knowledge of the role and the effects of industrialization on modern society. When the second edition of the Traité was published in 1814, the material conditions as well as the intellectual conditions were ready for industrialisme.⁸⁶

86. Kitchin, La Décade, pp. 197-98, 154-46; Teilhac, Say, pp. 102, 112-20, 137, 228. But since 1789 industry had tripled. The Censeur Européen and Saint-Simon triumphed. If Stendhal remained curiously hostile to industrialism, Benjamin Constant in 1818, and especially in 1829, allowed himself to approach it probably under the influence of the success of J.-B. Say. Ibid., p. 220.

Among the important contributions of Say to industrialisme were concepts of property and of the state. In the second edition (1814) of the Traite Say held that the property of industrial faculties and of capital were absolute rights, while claims to land ownership had to be closely examined. Industrial faculties were a part of a person and capital was the result of work or savings in the past; but control over landed property had only a single origin - spoliation. He had grave doubts that land had been legitimately transferred from the time that the first legitimate owner had brought it under cultivation. Say's harmonious and optimistic naturalism found society and civilization to be the natural situation for man and industry to be a logical conclusion from that. However, society and the state were two very different, even conflicting entities. Say insisted that it was proper "to raise the question of knowing if a society is able to exist without government." He found that anarchy was a reasonable basis for society and civilization and that government, at best, was an accidental existence, not a necessary institution. From Say's concept was derived Dunoyer's "nihilisme gouvernemental." "The idea that government must be worked upon to give its disappearance is found expressed in a metaphorical manner in the Censeur."⁸⁷

Teilhard had noted that "the industrialist idea passed in turn to the Censeur and to its editors: Charles Comte, Dunoyer and Augustin Thierry, in order to touch in the end to Saint-Simon and to Karl Marx." Teilhard found the Censeur Europeen's presentation of the historical development of the conflict between the producers, the industrialists, and the exploiters an important stage in nineteenth century thought:

" But, if the relationship of the economic liberalism of J.-B. Say and the political liberalism of the Censeur is tight, it does not cover less one difference. The sole criticism that Dunoyer addressed to his master is of not having seen that his doctrine was in itself a system of political thought and of having reduced the system of political thought to mere constitutional forms.³⁸

Dunoyer indeed believed that he had carried to fulfillment Say's concepts of industrialisme. Having examined how the useful facilities prevailed in society by the rendering of services to consumers, Dunoyer concluded that "the only demand that the private professions could make of industrial politics is that they be preserved from all interference." For the Censeur Européen, Dunoyer insisted absolutely free and unlimited competition had to be applied. It would not acknowledge that one industry, the industry producing security, could assume the role of director over the other industries. What was needed of government while it existed was to free people from its controls. As an industry, competing among other industry, the function of the security industry was to repress violence. Dunoyer concluded in the second volume of the Censeur Européen: "The peak of perfection will be reached if all the world worked and no one governed."⁸⁷

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87. Edgard Allix, "J.-B. Say et les origines de l'industrialisme," Revue d'économie politique, XXIV, 346; Allix, "Méthode de J.-B. Say," op. cit., 345-48; Allix, "La déformation de l'économie politique libérale après J.-B. Say: Charles Dunoyer," Revue d'histoire des doctrines économiques et sociales, IV (1911), 131.
88. Teilhac, Say, pp. 241, 243-44.
89. Dunoyer, "Notice historique sur l'industrialisme," pp. 181-82; Censeur Européen, II, 102.