

THE FUTILITY OF HISTORIC REASONING

Pierre Louis Roederer and the revolutionary quest for modernity

MA THESIS

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Dedicated to *Libertas Philosophandi*

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Prologue

In 1790, Jacques-Louis David started his first drawing in preparation for a never to be completed painting extolling one of the most remarkable events during the early stages of the French Revolution. Together with his painting *The Death of Marat*, this drawing of the Tennis Court Oath of 20 June 1789, the event in which the Third Estate solemnly proclaimed not to disband before a Constitution for the nation was constructed, is one of the most iconic images created during the French Revolution. At the center of the drawing one finds Bailly, his right hand raised high in the air, reading out a document while the deputies surrounding him - except for one - stretch out one hand in his direction, in confirmation of the oath. The fine drawing style of David has made it possible for art historians to identify over fifty deputies. Even though hardly any of the modern analyses of the drawing make mention of his presence, to the right side of the depiction stands the deputy of Metz with his left fist elevated in determination: Pierre Louis Roederer.¹ The inclusion of Roederer by David is telling, since the deputy from Metz was not present at the Tennis Court on 20 June 1789. In fact, around that time he was not even present in Paris or Versailles; he only moved there in October 1789, after his predecessor was removed from office.² This imaginary presence then, gives us some clue as to the prominence to which Roederer had already risen by 1790.

¹ For an excellent study of the painting in which Roederer is mentioned: Bordes, Philippe, *Le Serment du Jeu de paume de Jacques-Louis David: Le peintre, son milieu et son temps, de 1789 à 1792* (Paris 1983).

² Before Roederer, there was another deputy representing Metz, but his election to the Assembly was annulled. See Margerison, Kenneth, "P.-L. Roederer: Political Thought and Practice During the French Revolution", *Transactions of the American Philosophical Society* 73 (1983): 1-15.

INTRODUCTION

I.I Research rationale

Much historiography of the French Revolution is the history of its famous revolutionaries. Mirabeau, La Fayette, Bailly, Condorcet, Marat, Danton, Brissot, Payne, Sieyès, Talleyrand, Robespierre, are but a few of the names whose lives and thoughts have been illustrated and ruminated in voluminous books and articles. Surprisingly, this is not the case for Pierre Louis Roederer (1754-1835), a man who stood as industrialist, politician, intellectual, journal editor, and political conspirator at the center of many key events during the boisterous times of the French Revolution. From *conseiller* of the Metz *Parlement*, Roederer went on to become a deputy to the National Constituent Assembly, *procureur-général-syndic* of the Paris department, lecturer at the Parisian *lycée* and the *Institut National*, owner of two revolutionary journals and conspirator in the Brumaire coup. All the while being one of the owners of a thriving glass manufacturing company in the *Trois-Évêchés*, Saint-Quirin, he became familiar with the workings of a modern, industrial company, something that would reinforce his interests in the world of commerce and from which he would benefit throughout his political career. This formidable, multifaceted revolutionary career is best summed up by Roederer himself who, toward the end of his life, rightfully remarked that he had spent ‘the last night of his reign with Louis XVI, and with Bonaparte the first night of his.’³ In fact, Roederer did not only spend the first night together with Napoleon; he remained politically active under the First Consul and Emperor up and till Napoleon’s Waterloo.

In the large oeuvre that Roederer left to posterity – covering eight impressive volumes - he coined the term *l’homme d’industrie*, the ‘industrial man’ who, with his investment of time and money in his enterprise spurred the growth of trade, agriculture and commerce, originating in his desire to fulfill his mental and physical pleasures, or so-called *jouissances*, and thereby symbolized the new era of modern commercial society. Apart from that, Roederer created a

³ Cited in Sainte-Beuve, C.A, "Le Comte Roederer", In *Causeries du lundi* (London 1852-1856), 345. Original text: « J’ai passé auprès de Louis XVI la dernière nuit de son règne, j’ai passé auprès de Bonaparte la première nuit du sien. »

Science des moeurs, which had to make sure that people's search for such *jouissances* in this modern world would, through proper education, be kept in check. Befitting this new modern commercial era was also a new conception of property, argued Roederer, and he went to great pains to defend a more inclusive definition of the term over the course of the Revolution. As liberty and security were dependent on property, the task of a government was to make sure that these fundamentals of society would be safeguarded. Lastly, in pondering how government would have to do this, he created an intricate system of political representation. Many of these ideas he developed in close companion to, amongst others, Sieyès and Condorcet. Moreover, many 19th century political theorists, by now widely considered as 'liberals', amongst whom Jean-Baptiste Say, Benjamin Constant and Germaine de Staël, made heavy use of Roederer's writings.⁴ Therefore, it seems that Roederer was not only a more significant thinker than one might infer from current historic scholarship, but also that he was part of a larger intellectual movement.

Notwithstanding this colorful and impressive revolutionary résumé, modern historical scholarship has largely treated Roederer as a mere footnote to the allegedly bigger revolutionaries of his time – as a 'lieutenant' in exploring the intellectual endeavors of other thinkers.⁵ Luckily, over the past two decades there has been a modest rise in scholarly interest for Roederer and it should be noted that his inclusion into the scientific equation has advanced the debate on central themes surrounding The French Revolution in several useful ways. Roederer, or rather his political thought, has made its way into the historians' debate on 18th century republicanism, the discussion on the origins of liberalism, research into the commercialization of 18th century French society, and scholarship on the intellectual origins of the French revolution.⁶ This research

⁴ A portion of the letters from Germaine de Staël to Roederer is included in his *Oeuvres du comte P.L. Roederer*. Unfortunately, many of Roederer's replies were lost. For more information on Roederer and the early liberal circles in France: Jainchill, Andrew, *Reimagining Politics After the Terror: The Republican Origins of French Liberalism* (London 2008).

⁵ For instance, Richard Whatmore uses Roederer to explain the thought of Jean Baptiste Say, while Michael Sonenscher uses him to elucidate the thought of Sieyès. 'Lieutenant' is the word that Whatmore faultily ascribes to St. Beuve's interpretation of Roederer's relation to Sieyès. St-Beuve rather calls Roederer « un Sieyès en monnaie et un circulation. » See Sainte-Beuve, "Le Comte Roederer", 346.

⁶ Cf. Sonenscher, Michael, *Before the Deluge: Public debt, Inequality, and the Intellectual Origins of the French Revolution* (Princeton; Oxford 2007); Scurr, Ruth, "Social equality in Pierre-Louis

project seeks to contribute to these debates by focusing on Roederer's political ideas and revolutionary experiences.

I.II Status quaestionis and research problem

The existing accounts of Roederer's person and thought are extremely divided as to precisely who and what he was. Richard Whatmore interprets Roederer's political thought as extraordinarily modern for the time, emphasizing the democratic traits in many of his early works, such as his desire to extensively expand suffrage rights, and perceives him as an important standard bearer of 'modern Republicanism'. Jainchill's interpretation could not make for a starker contrast. In his thought-provoking *Re-imagining politics after the Reign of Terror* he coins a new word to frame the political thought of Roederer and his close ally Emmanuel Joseph Sieyès: 'liberal-authoritarian'. With this ostensible *contradiction in terminis* the author seeks to explain how their political ideas, geared toward safeguarding individual interests, amounted to a destruction of politics *an sich*. Andrew Jainchill argues that their views called for a strong and centralized executive that would restrict political activity and which in the end had to make sure that there would be a state standing 'outside and above political activity.'⁷ In its turn, Jainchill's premise is diametrically opposed to Jonathan Israel's positioning of Roederer in his *An Intellectual History of the French Revolution*.⁸ After pointing out – in line with Margerison - that the number of deputies to the Constituent Assembly that could be regarded as true political theorist or *philosophe* was very limited, Jonathan Israel argues that Roederer, as one of these few thinkers who theorized about (and upheld) equality, human rights, and freedom of expression, played an impressive part in constructing the fundamentals of democratic modernity.⁹ As opposed to the 'authoritarian

Roederer's interpretation of the modern republic, 1793", *History of European Ideas* 20, no. 2 (2000): 105-126.

⁷ Jainchill, Andrew, *Reimagining Politics After the Terror: The Republican Origins of French Liberalism* (London 2008), 199-200.

⁸ Israel, Jonathan, *An Intellectual History of the French Revolution from The Rights of Man to Robespierre* (Woodstock 2014).

⁹ Roederer combined the roles of political theorist with that of politician, which ensured that his theory could be directly judged upon practice, the uncompromising reality of the day, and the other way around. This double role of theorist and politician was not unknown during the time, but the number of individuals really developing a fundamental theoretical body of work while being involved with the day-to-day practices of politics, was small. As Margerison puts it:

populism' of Marat and Robespierre, he thus was, so his argument goes, a true defender of the modern democratic republic.¹⁰ In addition to these classifications, Roederer has been termed *idéologue*, political economist, political pragmatist, republican radical, monarchical counterrevolutionary, disciple of Turgot and Quesnay, liberal, Lockean, Hobbesian, Rousseauian, defender of Adam Smith, social scientist, adjutant of Sieyès, and even acolyte of Napoleon.¹¹

For one thing, this great diversity of labels seems to spring from the many roles and positions united within the one person of Roederer and the lifespan of his political career, making it challenging to fully grasp his ideas at face value or to put an all-encapsulating label on him.¹² Yet, it is not just Roederer's heterogeneous background that has led to a great variety of interpretations and uses of Roederer's thought in historical scholarship. At first sight, some of the ideas Roederer expressed early on in the French Revolution come across as incongruous to those expressed during the later stages of the Revolution. This seeming disharmony between the early and later Roederer led Mallet du Pan to state that Roederer opportunistically and successfully 'sneaked his way through storms and factions, always awaiting the expediencies of whatever event.'¹³ At the eve of Revolution, in a passionate political pamphlet Roederer argued that

Roederer was 'a thinker who developed his ideas in immediate response to the environment in which he found himself', see Margerison, "P.-L. Roederer: Political Thought and Practice During the French Revolution", 45. Yet, as Israel point out, this small group has been disproportionately influential.

¹⁰ Israel, *An Intellectual History*, 703. Those he includes into the camp of democratic 'philosophy' are, besides Roederer: Brissot, Desmoulins, Condorcet, Cérutti, Pétion, Carra, Gros, Robert, Kersaint, Mercier, Bonneville, Prudhomme, Lanthenas, Roederer, Guyomar, Marie-Joseph Chénier, and Jean-Jospeh Dusaulx, as well as, if less clearly, Mirabeau and Sieyès.

¹¹ To give a few examples: for the label 'ideologue' see Jennings, Jeremy, *Revolution and the Republic: A History of Political Thought in France since the Eighteenth Century* (Oxford 2011); for the label of 'idéologue', see Kaiser, Thomas E., "Politics and political economy in the thought of the Ideologues", *History of Political Economy* 12, no. 2 (1980): 141-160.

¹² Already in 1940, the conservator of the French National Archives Georges Bourgin, when digging up Roederer's manuscripts, marveled at the extraordinary long lifespan and great variety of his political activities and found himself surprised with the lack of serious biographical studies into his life, see: Bourgin, Georges, "Un témoin de la Révolution: Roederer", *Revue Historique* (1940): 259-270. As he puts it: « [L]a carrière politique de Roederer est si variée, ses œuvres si multiformes, les papiers inédits qu'il a laissés si suggestifs, les relations qu'il a eues avec les hommes, les rapports avec les circonstances historiques si intéressants, qu'on peut s'étonner que Roederer n'ait pas fait l'objet d'une étude biographique sérieuse. (...) La difficulté est particulièrement grande avec Roederer : c'est qu'il n'appartient pas à une époque seulement. » However, for some reason it would take forty more years before another historian took on the task of sketching a first, elaborate biography of Roederer.

¹³ Pan, Mallet du, *Mercure Britannique ou Notices Historiques et Critiques Sur les Affaires du Tems, Seconde Année*, Vol. 4 (Londres 1799), 340. Original text: « [I]l a serpenté avec succès au travers des orages et des partis, se réservant toujours des expédients, quel que fût l'événement. »

‘there cannot exist a society without the open or tacit approval of everyone that composes it’ and therefore the next National Assembly, in remaking society, would have to take into account the rights and needs of ‘all individuals, as judged upon by the majority, that can only be formed by the suffrage of individuals of all classes.’¹⁴ In this 1788 pamphlet he fiercely criticizes the arbitrariness of the monarchy, an evil ‘of which one has to erase all traces and that one has to prevent from ever coming back.’¹⁵ Yet, in 1799, he played an important role in the coup of Napoleon Bonaparte and drafted, together with Sieyès, the Constitution of year VIII, which signaled the end of French Revolution. If someone met Roederer at the beginning of the 19th century without knowledge of his previous revolutionary activities, the person must have gazed in disbelief on finding out that the very same man had been president of the Jacobins in 1791. Yet, during the Directory it was the same Roederer who wrote an article demanding the outlawry of clubs consisting of more than twelve members.¹⁶ In 1792 he spoke in favor of abolishing monarchy; in 1799 he worked hard toward instating an authoritarian leader with wider-ranging executive power than Louis XVI had had.

Since many modern-day accounts of Roederer focus upon isolated periods and works in his career, while all too quickly treating those as if covering his entire political thought, it is no surprise to be left with a confused, contrasting academic landscape inhabited by several, completely different Roederers. At the same time, most of Roederer’s works are complex, full of references to philosophical texts and contemporary debates, all of which makes their interpretation a labor-intensive undertaking. Whatmore comes to his

¹⁴ Roederer, Pierre Louis, “De la Députation aux états Généraux” [1788], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 7 (Paris 1853-1859), 543. Original text: « Il ne peut exister de société sans l’aveu exprès ou tacite de tous ceux qui la composent’; 545 il faut une citation de tous les individus au jugement de la pluralité, qui ne peut être formé que par le suffrage des individus de toutes les classes. » **Note** that all the way through this thesis I will take over the original 18th century spelling, as produced by Roederer. Translations are my own, except where otherwise indicated. All French quotes will be provided with a translation in the footnotes. When using long, English in-text quotes that were translated from French, I will provide the original French in the footnote; for the short translated quotes I will not provide the original French text, for practical reasons.

¹⁵ Roederer, “De la Députation”, 542. Original text: « Tel est le mal dont il faut effacer les traces et prévenir pour jamais le retour. **N.B.** I let primary sources speak in the present tense when addressed directly.

¹⁶ Roederer, Pierre Louis, “Des Sociétés particulières, telles que clubs, réunions, etc” [1799], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 7 (Paris 1853-1859) 87-98.

interpretation of Roederer as democratic republican mostly on the basis of Roederer's early works; Jainchill, in devising the label 'liberal-authoritarian', mainly focuses on the period of the Directory, ignoring the fact that Roederer belonged to the progressive camp during the early days of the Revolution; Israel comes to call the thinker radically democratic on the basis of that same period, ignoring the fact that he almost single-handedly ended the Directory by supporting Napoleon. Most importantly, none of these authors deem it necessary to point at the selectivity of their studied timeframe. The inevitable result, as one might expect, is a skewed image of the man under examination. Ruth Scurr and Kenneth Margerison are two of the few authors who have made a serious attempt to trace the continuities and breaks in the ideas and actions of Roederer over a longer timespan. Whereas Margerison stresses Roederer's ongoing preoccupation with modern commercial and industrial matters over the entire revolutionary period, Scurr argues that, long before the Terror or Thermidor, Roederer was already concerned with increasing the power of the executive branch so as to do away with the chaos on the streets and within the Legislature, the latter which he believed to increasingly give in to the demands of the former. What is missing from all of these accounts, however, is a balanced judgment as to whether and – if so – *how* Roederer's thinking amounted to a coherent revolutionary theory in its own right, that is, not as a mere supplement to the revolutionary theories of others like Sièyes and Condorcet. Moreover, during the French Revolution, Roederer personally experienced some of its most momentous moments first-hand, something which must have had a bearing on the ideas he developed over its course. This duality of Roederer as both a thinker, and as someone who practiced his thought at the same time, while intensely experiencing the Revolution, is a much needed, though very much neglected approach in research on the man. Altogether, what we are faced with is a *status quaestionis* that has not, so to speak, sufficiently pieced the pieces together so as to come to a verdict on Roederer as a complete historical figure, both with regard to his revolutionary life and his revolutionary thinking, but which rather conceives of Roederer in separate guises. Roederer indeed was someone who stood at the forefront both at the onset of the French Revolution and at its closure. But what happened to him and his thinking in between?

I.III Questions and approach of the research

When seriously engaging with Roederer's oeuvre and his experiences preceding to and during the French Revolution, one finds so much intellectual rigor, original ideas, and documented audacity that one must believe the explanation of Roederer 'the political opportunist' to be the easy and wrong way out. Instead, I argue that, when carefully studying Roederer's revolutionary experiences and ideas in conjunction, over a longer period of time, one finds that he did not formulate wavering and free-floating abstractions, but that his ideas were part of a coherent, moral-political theory, or 'revolutionary project'. The many labels, put onto Pierre Louis Roederer in historical scholarship, have thus far worked as a barrier to uncovering the coherence of his ideas and, even more so, oftentimes obscure the true meaning and contents of the larger revolutionary project that he developed over the course of the French Revolution. I seek to break through this barrier. Therefore, the main question that will lead us through this exertion asks: *what were the key elements and origins of Roederer's revolutionary project (1786 - 1800)?* In doing justice to the thinker's own double-role as politician and theoretician, I will delve into the circumstances that influenced the contours of this revolutionary project, that is, I will put the elements of his theory in the light of his experiences. In other words: *how did Roederer come to his moral-political theory?* These experiences could be revealed through the larger events such as revolutionary *journées* and his personal roles therein, but I also interpret the intellectual environment in which he operated as a part of his experiences. The latter could, for instance, be revealed through the thinkers he himself read or conversed with, the kind of language he used or appropriated, and the philosophers he chose to put forward in the composition of his own works. Moreover, for something to be a proper theory, there must be a logical and lasting coherence within the elements constituting it. As the key elements of Roederer's revolutionary project would largely be made up, so I argue, of the lasting traits in his thinking over the course of the French Revolution, it logically follows that I will need to understand *what the most important continuities and changes in his thought were*. In close relation to that question, I will attempt to uncover *why these continuities and changes came about*. Thus, this is a research project that seeks an answer to the 'what', 'how' and 'why' of the revolutionary

thinking and experiences of one of the French Revolution's brightest and yet underexamined figures.

In tackling these questions, I will demonstrate that Roederer believed to be developing a body of thought – together with some close companions – that was so new and groundbreaking for the time as to render many older, (especially classical) political theoretical models outmoded. I will show that Roederer recurrently attempted to ‘expose the futility of historic reasoning’ of his contemporaries’ attempts in shaping a new, modern state on the basis of such allegedly obsolete, classical principles.¹⁷ In doing so, Roederer especially and most fiercely spoke out against a type of classical Republican language that historian Keith Baker has come to identify as an important political discourse of late 18th century France and which thrived during the Reign of Terror.¹⁸ Roederer associated this kind of language with the *niveleurs*, the proponents of a system that favored far reaching socio-economic leveling measures such as the expropriation of land, and for whom Robespierre was the clearest spokesperson. Roederer coined a term for the kind of state that the adherents of this classical Republican mode of thinking would inevitably establish if they got what they wanted: *l'antiqu'archie*, a contraction of *l'antiquité* and *l'anarchie*, implying that a Republican governmental system based on such principles would *ipso facto* be no system at all.¹⁹ I will argue that Roederer's opposition to this Republicanism with its allegedly concomitant *l'antiqu'archie* made for a lasting battle in his political thought, hence steering his revolutionary project, and was, as opposed to what one might expect on the basis of scholarship into the intellectual origins of the French Revolution, not only present after Thermidor but already before the Revolution hit France.²⁰ At the same time, Roederer spoke out against the advocates of the other large system of the time, that of the Physiocrats, who

¹⁷ ‘The futility of historic reasoning’ is a phrase used by Whatmore to describe to modernity of both Sieyès and Roederer. See Whatmore, Richard, *Republicanism and the French Revolution: An Intellectual History of Jean-Baptiste Say's Political Economy* (Oxford 2000), 95.

¹⁸ Baker, Keith Michael, "Transformations of Classical Republicanism in Eighteenth-Century France", *The Journal of Modern History* 73, no. 1 (2001): 32-53.

¹⁹ Roederer, Pierre-Louis, "Cours d'Organisation Sociale" [1793], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 8 (Paris 1853-1859), 180.

²⁰ A large deal of historical scholarship into the intellectual origins of the French Revolution claims that political thinkers only seriously ‘turned to the moderns’ as a reactionary response to the Terror. Cf. Baker, Keith Michael, *Inventing the French Revolution* (Cambridge 1990).

believed that only those in possession of land should be seen as proprietors and subsequently get political rights.

In rejecting models from the past, holding the systems of the *niveleurs* and Physiocrats as two extremes on the continuum, he developed his own moral-political theory, consisting of ideas that fall into three broad dimensions: the 'industrial' dimension of modern commercial society, driven by *l'homme d'industrie* and the search for *jouissances*; the 'moral' dimension, based on a *Science des moeurs* that had to make sure this search for pleasure would lead toward the public good; and the 'political' dimension, evolving around the notion of representative-government whose main task it was to safeguard property and, with that, liberty and in whose system all other elements of his theory would need to fit. With the great political turmoil of 1792 through 1795, Roederer realized that it was too early to rely on the multitude to be able to control their search for *jouissances* to the extent that these could be unwaveringly directed toward the common good. I will argue that changes in his political thinking from 1792 on, especially consisting of his desire to create a stronger executive, can be explained by occasional 'reality checks' through which Roederer saw that the multitude could not yet, so to speak, fully control its 'appetites' and thus carry the responsibilities of the modern era. These changes did not all of a sudden turn him from a modern democratic into an authoritarian. He was unwavering in his long-term aim of moving toward a truly modern commercial society; nowhere did Roederer say that the populous would never be able to check its appetites. In the long run, through a *Science de moeurs*, the search for *jouissances* could truly work toward the common good of the state and with that, a strengthened modern Republic. He held fast to achieving this end and that is why Roederer, from 1792 onwards, demonstrated a very grave and ongoing concern for the education of the people so as to get them ready for the inevitable coming of a new age, that of the modern commercial society. In this he was an exponent of modern Republicanism and in many ways a proto-liberal who, together with contemporaries like Condorcet, Sieyès, Turgot and Destutt de Tracy, created a fertile breeding ground for French liberalism to come to flourish on over the course of the nineteenth century. Yet, the peculiar circumstances of the

Revolution also made some of his ideas idiosyncratic, without a clear tradition to be absorbed into.

In order to properly analyze the different dimension of Roederer's revolutionary project and grasp both the changes and continuities of its elements, I divide his revolutionary ideas and actions into three periods. This division is based on different phases of the Revolution as experienced by Roederer. In line with the different experiences for all three periods, in every period another dimension of Roederer's growing moral-political theory was emphasized. For period one, this was mainly the industrial side of his theory, for period two the moral side, and for period three the political side. Of course all these dimensions were apparent in every singly period, but emphasis clearly lay on one of them. I will demonstrate how, throughout all three periods, Roederer's experiences were part of a kind of chain of confirmation; many of his beliefs and fears were reinforced and amplified because they were so often confirmed by impactful revolutionary events. This is also the light in which we should see his contribution to the coup of Napoleon at the end of the third period. For every period, I have selected several of Roederer's most important works, which I will textually analyze and contextualize with regard to the corresponding unit of time. Apart from the primary sources that follow, I will use other, memoirist texts by the hand of Roederer as well as some of his contemporaries as biographical backdrop to gain an understanding of the (intellectual) surroundings in which he developed his ideas. The applied periodization will allow us to make comparisons between the three periods, which is convenient in tracing the changes and continuities of the elements in his thought.

The first demarcated time unit runs from 1786, the year in which Calonne proposed his plans for financial reform to Louis XVI, to August 1792, the month in which the Monarchy fell. For this period I analyze the political manifesto *De la Députation aux États Généraux* (1788), a piece that was composed when the Estates General were called upon and which seeks to outline the best possible ways of its organization. This period of his intellectual-revolutionary career prepared the ground for the two other periods to come, with the rise of Roederer's ideas on modern commercial society, holding as its main pillar the concept of *industrie*. The second period runs from August 1792 up and to July

1794, Thermidor. In these two turbulent years Roederer realized, through his own experiences, that he had to deal with some gaps in his thinking on modern commercial society and consequently, to some degree he had to 'plow' the intellectual ground of the preceding period. In doing so, he developed a moral extension to his thinking, while the political dimension of representative-government started to receive more serious thought by now as well. For this period I focus on *Cours d'Organisation Sociale* (1793), a lecture course Roederer gave to the Parisian *lycée*, and *Entretien de Plusieurs Philosophes Célèbres, sur les Gouvernements Républicain et Monarchique* (1793), an imaginary discussion between Voltaire, Rousseau, Montesquieu, Hobbes, Locke, Bayle, Helvétius, and Sieyès on the question of what would be the best form of government – republican or monarchical – to safeguard property and liberty.²¹ The third and last period I have delineated runs from July 1794 to the turn of the year 1799/1800, the moment when the Constitution of the Year VIII came into effect. During these years, the by now active journalist and Institute professor speeded up his thinking on the right system of political representation, and together with the other theoretical elements, developed in the two preceding periods, the contours of his moral-political theory were now well-rounded.²² Since there is not one, single authoritative text for this period that outlines his plans, I will turn to a collection of different articles that Roederer composed as journalist and political conspirator. The structure of this thesis will follow the outlined periodization, the three different periods making for the three main chapters.

I.IV Republicanism

Before venturing into the moral-political theory of Roederer, it is important to understand what we mean by 'Republicanism' - especially the type of Republicanism identified by Baker - as the term runs like a leitmotif through the entire undertaking in explaining and contextualizing Roederer's revolutionary project. Even though a strict definition and categorization of different types of Republicanism does not necessarily greatly enlighten us on the true meaning of

²¹ Roederer, Pierre-Louis, "Entretien de Plusieurs Philosophes Célèbres, sur les Gouvernements Républicain et Monarchique" [1793], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 7 (Paris 1853-1859) 61-71.

²² Roederer was elected to the National Institute in 1796.

the concept as it was busied in 18th century France, I will need to shortly deal with these as they derive from a long-standing historians' debate. Only when grasping the basics of this debate, is it possible to come up with my own working definition of Republicanism and explain what is distinctive about the type of Republicanism that Baker pinpoints and which Roederer so fiercely attacked.

Ever since Pocock published his authoritative work *The Machiavellian Moment* in 1975, historians have developed a very extensive, and according to some, excessively bloated debate on the meaning, origins and political applications of Republicanism.²³ In the debate, we can distinguish between Republicanism as a language, and Republicanism as a prescribed governmental form. What we are mainly concerned with here, is Republicanism as a political discourse or language. We can also differentiate between Republicanism (with each, surely, their own kind of subdivisions) of a classical and a modern lineage: classical Republicanism and modern Republicanism. The type of Republicanism that Baker discerns for late 18th century France holds, as I will come to demonstrate, classical Republican discourse as its bedrock while containing some curiously modern features. The fusion of the two gave it the distinctive (French and revolutionary) outlook against which Roederer sought to weapon himself.

Classical Republican language got characterized by its extolment of civic virtue, honor, patriotism, direct participation in politics, and the importance of the common good over particular interests – all basic principles that a praiseworthy citizen in classical times allegedly lived by. According to classical Republican discourse, crises were always on the lurk, and therefore a good citizen was someone who exhibited vigilance against corruptive tendencies in society, such corruptive tendencies mainly springing from commercial activities, as these appealed to private appetites rather than the common interest.²⁴

²³ Pocock, J.G.A, *The Machiavellian moment: Florentine political thought and the Atlantic republican tradition* (Princeton 1975); Kalyvas, Andreas, and Ira Katznelson, "The Republic of the Moderns: Paine's and Madison's Novel Liberalism", *Polity* 38, no. 4 (2006): 447-477.

²⁴ Baker, Keith Michael, "Transformations of Classical Republicanism in Eighteenth-Century France", *The Journal of Modern History* 73, no. 1 (2001): 32-53; Isaac, Joel, "Republicanism: A European Inheritance?", *European Journal of Social Theory* 8, no. 73 (2005): 73-86.

Moreover, it was a discourse that was predominantly anti-monarchical.²⁵ Modern Republicanism still held virtue as one of its leading principles, but it was virtuosity of a new kind, which was not necessarily opposed to commerce and pursuit of personal happiness, as long as these would not stand in the way of the public good. Within modern Republican discourse, the State came to be redefined as one of a complex social composition and value heterogeneity, in which direct political participation was no longer necessarily the preferred mode of political practice; political representation was the new way to go.²⁶ Authors of the Modern Republican persuasion regularly invoked a language of rights, reason and social progress.²⁷

In *The Machiavellian Moment* Pocock points to the revival of classical Republican thought in the Atlantic world from the Renaissance onwards, but in doing so, completely ignores the French case (and for that matter, the case of The Dutch Republic). This absence is well noticed by Keith Baker, who insists that Republicanism in France is a very important glove to take up for historians of the French Revolution.²⁸ According to Baker, many authors of the classical Republican tradition like Molesworth, Toland and Ludlow, were read and printed with enthusiasm in 18th century France, an argument further supported by Rachel Hammersley in a excellent study which demonstrates that members of the Cordeliers club were familiar with the very works that Pocock considers to be part of the Machiavellian moment.²⁹ But what is so distinctive about the type of Republican discourse that Baker identifies to have floated around and at its height, rumbled loudly, in France at the turn of the 18th century, and how is it any different from the two broad categories I have described in the foregoing?

Two decades after the French Revolution, the liberal Benjamin Constant reflected on the political language of Robespierre and his associates, claiming they had wanted to create a modern imitation of the ancient republic, taking as

²⁵ See especially Gelderen, Martin van, and Quentin Skinner (eds.), *Republicanism - A Shared European Heritage: Republicanism and Constitutionalism in Early Modern Europe*. Vol. 1-2 (Cambridge 2002).

²⁶ Kalyvas and Katznelson, "The Republic of the Moderns".

²⁷ Baker, "Transformations of Classical Republicanism".

²⁸ He already noted the research gap in 1980, in a paper later republished in his *Inventing the French Revolution*. Two decades later his calls were still the same, as his "Transformations of Classical Republicanism" makes clear.

²⁹ Hammersley, Rachel, "English Republicanism in Revolutionary France: The Case of the Cordelier Club", *Journal of British Studies* 43, no. 4 (2004): 464-481.

their guides writers [i.e. Mably and Rousseau] ‘who never suspected that two thousand years might have wrought some changes in the dispositions and needs of people (...) [but] what we call civil liberty [today] was unknown among most ancients.’³⁰ In many ways this echoes what Roederer had already stated from the onset of the Revolution onwards: there was a large incongruity between these long gone times with his own modern day, an incompatibility that the adherents of outmoded models – here he mainly referred to Robespierre and his associates – were not willing to see. As opposed to Constant, Roederer did not hold any Enlightenment *philosophe* responsible for such reprehensible thinking with its concomitant political discourse; it was rather the ways in which Robespierre and his bogeymen and at a later stage, Babeuf and his fellows - abused these Enlightenment writers so as to make them fit their own political purposes.³¹ It is this political discourse, a discourse especially associated with Robespierre and his companions that Keith Baker finds highly characteristic of late 18th century French Republicanism. It was a distinctive type of Republicanism that ‘derived from the explosive manner’ in which classical Republican rhetoric was fused with Enlightenment discourse of perpetual progress and universal change.³² It was a political language that started off as oppositional because of the great absolutist power it was faced with and the heavy historical consciousness that ‘liberty must necessarily succumb to despotism in the fullness of time.’³³ But with the outbreak of Revolution its adherents saw these restraints disappear, and hence the language could shift from an oppositional one into rhetoric of extended political action. In doing so, it combined the classical republican perception of (constant) crises with the Enlightenment idea of infinite progress, turning it into an explosive rhetoric projecting ‘infinite dangers and unending risks’ and thus calling for constant vigilance and an ongoing revolutionary movement were a middle ground between despotism or liberty did not exist.³⁴

³⁰ Constant, Benjamin, "Ancient and Modern Liberty Compared [1819]", In Keith Michael Baker, *The Old Regime and the French Revolution* (Chicago; London 1987) 453-454.

³¹ Roederer voices his views on this matter particularly eloquently in "De la Philosophie Moderne et de la part qu'elle a eue à la Révolution Française" [1799], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 4 (Paris, 1853-1859) 503-516.

³² Baker, "Transformations of Classical Republicanism", 53.

³³ *Ibid*, 44.

³⁴ *Ibid*, 46.

Unsurprisingly, this type of classical Republicanism saw its heyday during the Reign of Terror.³⁵

³⁵ Henceforth, when talking about classical republicanism in this work, I mean the type of classical Republicanism I have outlined here – the kind of classical Republicanism ‘discovered’ by historian Keith Baker.

PERIOD 1: PREPARING THE GROUND (1786 – 1792)

1.1 Roederer, man of industry

In 1784, Pierre Louis Roederer went to Paris to plead a case for the modern glass manufacture that was situated within his province *Trois-Évêchés*, the manufacture St. Quirin. The case was against manufacture St. Gobain, another large glass producer that held a royal prerogative over a glass-production technique that put it in a very advantaged commercial position. Roederer brought the case before Calonne, and after much bickering back and forth between the two companies, St. Quirin carried the day with the help of the Controller-General of Finances. It seems that this case incited within Roederer an interest for the workings of modern manufacture, writing as early as 1784 that government needed to take better account of the requirements of '*grande manufacture*' and in 1786 buying a large share in the company he had defended.³⁶ On top of that, Roederer's province *Trois-Évêchés* was, because of its position at the border of the Kingdom, a so-called 'foreign province' and for this reason burdened with myriad tariffs and exceptional tax rules. These were, according to Roederer, very detrimental to commerce and trade with the rest of France. Therefore, in the Metz *Parlement* he continuously argued for reform to this system and, to bolster his words, published his first extensive pamphlet. The pamphlet rejects the existing tax system as a remnant of the past, out of touch with the commercial reality of the day.³⁷ Roederer rather advocated the lifting of custom barriers in the foreign provinces of France. It is no surprise then, that Roederer, when he entered the Constituent Assembly in the autumn of 1789, headed a special commission charged with the task of reforming the entire country's tax system. After all, at the eve of the French Revolution, his former experiences in Metz had nourished his political-economic interests and undoubtedly bore an influence on the enormous amount of political writings that were still to sprout from his pen.

³⁶ Margerison, "P.L. Roederer", 18.

³⁷ Roederer, Pierre-Louis, "Observation sur Les Intérêts des Trois-Évêches et de la Lorraine, relativement au reculement des barrières des traites"[1787], In A.M. Roederer (ed.), *Oeuvres du comte P.L. Roederer*, Vol. 7 (Paris 1853-1859) 437-442.

The first work in which Roederer's early ideas come together, and which prepares the ground for the moral-political theory he would come to develop, is his manifesto *De la Députation aux États Generaux* (1787). As he himself puts it after the French Revolution, this work:

*...fait connaître l'origine et le type de toutes les opinions que j'ai énoncées à l'assemblée constituante. Je m'étais fait une théorie de l'État social bien ordonné, d'après les écrits philosophiques les plus accrédités alors, et d'après mes propres réflexions.*³⁸

The work deals with the question of what would be the right ways of organizing the Estates General, a political body that had been out of office for more than 170 years. The most important theoretical elements of this works, and the ones I will comment upon extensively in what follows, evolve around Roederer's *l'homme d'industrie*, his redefinition of property and concomitant notion of liberty and equality, and his (early) vision on political representation. According to him, the Third Estate itself stood in the way of political and social advancement, since its political represents had been oblivious to *industrie*. If the delegation of the Third to the Estates General did not include *l'homme d'industrie*, this would be tantamount to no representation for the Third at all.

1.2 Redefining property and industry

Roederer starts *De La Députation* with his ideas on property, ideas that had, as we will see, important implications on the question of political representation. The political polis had thus far largely been the playing ground of property-owners. The common notion that a proper property-owner had to be someone in the possession of land was, in Roederer's opinion, a faulty one. In fact there were two kinds of property and, in fact, landed-property was the less important of the two:

³⁸ Roederer, Pierre Louis, "Notice de ma vie pour mes enfants - première partie", In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 3 (Paris 1853-1859), 278. Translation: '[This work] showed the origins and the type of all the opinions that I enounced in the Constituent Assembly. I had created for myself a theory of the well-ordered social state, after the most accredited philosophical works and of course after my own ponderings.'

*Il y a deux sortes de biens qui entrent dans la propriété: les fonds, les fruits. La propriété des uns s'appelle foncière; celle des autres, mobilière. La propriété des fonds n'est point de l'essence des sociétés; peut-être en est-elle le fléau.*³⁹

Only *propriété mobilière*, mobile property, was truly essential to society, as man did not live off the land itself, but 'off the fruits of the land.'⁴⁰ It was through the fruits, or yields of the land, that industrious men made revenues, could invest, create more yields, buy goods, trade, make profits, amass capital, and thus amass mobile property. The political leadership of the *ancien régime* had always believed, in line with the Physiocratic mode of thinking, that land, and with that, agriculture, constituted the source of all wealth. Roederer scoffed at this view as ridiculously outdated. Landed-property amounted to no more than a mere fraction of mobile property:

*Les propriétés foncière, comme nous l'avons déjà observé plusieurs fois, sont la moindre partie des richesses de la société; ainsi le tiers-état, qui possède presque entièrement les propriétés mobilières, possède déjà plus propriétés que la noblesse.*⁴¹

This was not just an argument for the political empowerment of the Third Estate. It was an appeal to have the groups that had thus far been largely excluded from the political polis but nevertheless contributed most to society, unequivocally represented within the Estates General. If the Third of the upcoming Estates General would only be represented by the *propriétaires foncières*, as had been the case during the *ancien régime*, this would have 'monstrous consequences.'⁴² 'Why humiliate and repel' these people, most contributory of society, Roederer

³⁹ Roederer, "De la Députation", 539. Translation: 'There are two sorts of goods that property comprises: the lands, the yields. The property of the one is called landed; that of the other, mobile. The property of land is not at all the essence of societies; maybe it even is its curse.'

⁴⁰ Ibid, 555.

⁴¹ Ibid, 566. Translation: 'Landed property, as we have already observed several times, makes for the lesser part of the riches of society; so the Third Estate, which possesses almost all mobile property, already possesses more property than the nobility.'

⁴² Ibid, 557.

wonders, 'from an honorable [political] career to which nature has called them (...)?'⁴³

According to Roederer, there was one particular group that was of central importance in making the yields of the land ever more luscious, through its commercial activities: that of *l'homme d'industrie*. By *industrie*, of course Roederer meant something more generic than the modern-day meanings we have come to attach to the word. Yet, Roederer's definition of *industrie* in *De La Députation* is rather modern for the times, making him one of the first thinkers who 'elevated [this concept] to the position of an important tool of analysis.'⁴⁴ In its generic sense, the concept stood for commerce and manufacture, driven by certain skills on the part of the industrial man, but in a more specific sense, one could define it in opposition to agriculture. If agriculture was 'the art of making the earth bring forth new products', then *industrie* was 'the art of fashioning and combining these products so as to derive from them the greatest advantage.'⁴⁵ The *homme d'industrie* made revenue, invested these revenues, made profit, and stimulated the growth of wealth everywhere he resided and thus it was no surprise that 'the industrial class contains so many people that compete [in riches] with the grand proprietors.'⁴⁶

By investing his energy, time and money in local economies, making them thrive and consequently, making profit, the industrial man inevitably showed much concern for the places where he resided. How different this was compared to the landed-proprietor, Roederer laments in de manifesto, who:

*...vivant oisivement de sa terre, peut, avec le prix de sa terre, retrouver partout d'autres terres qui fourniront sa subsistance et le laisseront dans son oisiveté.*⁴⁷

⁴³ Ibid. Original text: « Pourquoi les humilier, au contraire, et les repousser d'une carrière d'honneur où la nature les avait appelés de premier? »

⁴⁴ James, Michael. "Pierre-Louis Roederer, Jean-Baptiste Say, and the concept of industrie." *History of Political Economy* 9, no. 4 (1977), 456.

⁴⁵ *Dictionnaire de la Constitutions et du Gouvernement Français* [1791] as quoted in James, "Pierre-Louis Roederer, Jean-Baptiste Say, and the concept of industrie.", 457. These two quote also appeared in my last paper: "Pierre Louis Roederer: *L'homme d'industrie* and democratization in Revolutionary Times (1788-1815)"

⁴⁶ Roederer, "De la Députation", 555-556.

⁴⁷ Ibid, 557. Translation: '[The landed-proprietor], living idly on his lands, can, with the price of his land, find everywhere other lands that provide his subsistence to further leave [these lands] to his idleness.'

Holding fast to their Physiocratic beliefs, most of these landed-proprietors were utterly detrimental to the developing commerce of the country. They, for example, did not know that – here Roederer makes a clear reference to his earlier pamphlet on tax reform in the foreign provinces - ‘that which hampers free trade also impedes local production.’⁴⁸ In contrast, the industrial man ignited local economies everywhere he went, growing the ‘*fruits de la terre*’ from the economic activities he stimulated, and seeing these economic activities on its turn increased by the growth of these fruits. But more than just being responsible for increasing the country’s mobile property through this process, *l’homme d’industrie* could even be credited for nurturing and maintaining the very lands of the landed-proprietors, lands they had so often left to wither. Through *industrie*, so Roederer argues, *les hommes d’industrie* had given rise to the creation of many new luxury products the land-owners eagerly sought to consume and as a consequence, these very landowners now more frequently sought to produce surpluses from their lands, rising far above the break-even point (and make subsequent profits), so that they would be able to obtain the luxury products that *industrie* had brought into the world. Hence, contrary to what the Physiocrats propounded, mobile property, rather than landed-property, had to be seen as the true source of all wealth and the state’s produce.

Roederer was convinced that *industrie* was an unstoppable feature of the modern, commercializing world, as he believed it lay within human nature to be constantly on the lookout for *jouissances*, (products of) mental and physical pleasures. In its basis, Roederer argues, ‘from property derives subsistence’, but also, and more importantly, something more than just basic provisions: superfluity. *Jouissances* would no longer be considered as superfluous once having ‘tasted’ them, but rather as a necessary product of luxury and hence, the search for them was an ongoing affair.⁴⁹ This line of reasoning was almost a

⁴⁸ Ibid, 546. Translation: *La plupart ne savent pas que ce qui gêne la liberté du commerce empêche aussi la production territorial (...).*

⁴⁹ The discussion on the need to produce superfluity is part of an important 18th century intellectual debate, which I have earlier summarized in my paper “Pierre Louis Roederer: *L’homme d’industrie* and democratization in Revolutionary Times (1788-1815)”, for the course ‘Politieke en Sociale Bewegingen’. For purposes of oversight I will here quote from that passage in my paper, leaving some unnecessary digressions out: At the beginning of the eighteenth century, the expanding system of government finance, public credit (and with that, growing public debt), and private capital had become an important political reality for many European countries and

précis of the commercial developments Voltaire – as part of the 18th century intellectuals’ debate on the desirability of luxury - had satirically pointed out and criticized in his famous poem *Le Mondain*.⁵⁰ But unlike Voltaire, Roederer embraced the search for pleasure as an inherent part of the modern world, just like Mandeville had done on his side of the 18th century luxury debate. The search created superfluity, propelled luxury, and with that, societal progress. Such pleasures would not come easily, though. ‘[T]he earth, does not give its riches as a free gift,’ so Roederer states, ‘[but] they are awarded only to work and the advances of men’. However, at the same time, he argues, ‘the *jouissances* that spring from industry, themselves call for more work and advancement.’⁵¹ Thus through their work, people could get hold of *jouissances*, and on their turn these *jouissances* would create more work and industry, because people would never get enough of them. So what Roederer envisioned, was a self-reinforcing cycle of progress, originating in the self-interested desire of man to fulfill his pleasures. Such self-interest was of no harm to society, however; in fact, it would be beneficial to the public good. How such self-interest could be ‘led toward paying tribute to the public interest’ instead of reigning unchecked, is a question he does

brought forth a discussion as to whether opulence and luxury should be regarded as propeller for human progress (for instance in arts and sciences), or should rather be seen as a vulgar excess, the cause of extreme inequality. The debate was carried out in a continuum, with Fénelon on the one side and Mandeville on the other. In his *Les Aventures de Télémaque* Fénelon had defined luxury as the consumption of superfluity above necessity, but as Mandeville countered, it was unbelievably hypocrite to reject the embracement of luxury as immoral in a world where so many people profited from it. In fact, superfluity was a relative term and very much needed for the sake of making societal progress. A rich variety of works dealing with the luxury problem – amongst others, those of Hume, Shaftesbury, Hutcheson, Mélon - and in what Istvan Hont calls the second phase of the luxury debate – Montesquieu, Rousseau, and Smith, was shaped through an engagement with Mandeville. Roederer is building on Mandeville’s side of the debate (as well as on ideas of Hobbes, Puffendorf, La Rochefoucauld and Helvétius, as he maintains himself), in arguing that vices could also work in favor of the public interest, like the search for wealth could be an engine for the economy and industry, but also modesty and frugality, as long as the right civil laws and education would be in place. For an excellent overview of this debate: Hont, Istvan, "The early Enlightenment debate on commerce and luxury", In Mark Goldie and Robert Wokler (eds.), *The Cambridge History of Eighteenth-Century Political Thought* (Cambridge 2006) 377-418; Hundert, E.J., *The Enlightenment's Fable: Bernard Mandeville and the Discovery of Society* (Cambridge 1994).

⁵⁰ Voltaire as cited in

Morize, André, *L'apologie du luxe au XVIII^e siècle et Le Mondain de Voltaire: étude critique sur le Mondain et ses sources* (Paris 1909), 9: « Tout sert au luxe, aux plaisirs de ce monde. O le bon temps que ce siècle de fer ! Le superflu, chose très nécessaire, A réuni l'un et l'autre hémisphère. »

⁵¹ Roederer, “De la Députation”, 555.

not busy himself with yet in *De la Députation*, but something to which he, as I will demonstrate in the next chapter, extensively returned from 1792 onwards.

Halfway through *De la Députation*, Roederer makes a sudden digression in which he laments the outdated institutions, administration and political rhetoric by which France, and especially his own province of *Trois-Évêchés*, practiced its politics. It was politics of the 'Greek and Roman city-states', he asserts, 'that we, as best as we could, sought to imitate as soon as the French villages came free from the hands of the seigneurs', but such remnants of '*l'ancienne république*' could do nothing more than hold France hostage to the past.⁵² By arguing this, Roederer clearly opposes his presented ideas of the modern commercial world, with *l'homme d'industrie* and *jouissances*, to a supposedly ancient and backward system that he believed to indeed belong to the past. This ancient spirit, drawn from Greek and Roman models and still ever so present in France's cities and towns, separated the country, pitting its cities against each other, hence turning each of them into 'a small, well-isolated Republic', something which was of course 'very detrimental to the commerce and the work that is carried out within its walls.'⁵³ This ancient spirit got well illustrated by the extant fiscal system of the French state:

*Il y subsiste un code fiscal qui est véritablement celui d'un peuple ignorant et barbare en administration, tel qu'étaient les plus grands empires il n'y a pas longtemps encore : d'un peuple à qui le commerce de ses voisins est non seulement indifférent, mais odieux.*⁵⁴

These grievances are amongst the first in Roederer's ongoing battle against classical Republicanism with its extolment of – in this case he directly refers to Roman and Greek antiquity - ancient models. Over the course of the French Revolution, his opposition to this classical Republicanism would become more sophisticated, but from this instance, we can infer that already before the onset

⁵² Roederer, "De la Députation", 550. Original Text: «tiré de la constitution des cités grecques et romaines, qu'on a, tant bien que mal, voulu imiter quand les villes en France sont sorties des main des seigneurs... »

⁵³ Ibid, 550. Original text: « Cet esprit (...) tend à bien séparer chaque ville du reste de l'État, à en faire une petite république bien isolée (...) »

⁵⁴ Ibid, 550. Translation: 'There still exists a fiscal system truly belonging to an ignorant and barbarous people of administration, comparable to those that the grand empires had not too long ago: of a people not only indifferent but also hostile to the commerce of its neighbors.'

of the Revolution, Roederer displayed language that countered this classical Republicanism and, in opposition to that, forged the first elements of his own modern Republicanism and enveloping moral-political theory.

1.3 The right to representation

De la Députation aux États Generaux is imbued with the language of a man who thought to be part of a society that was quickly commercializing and with that, modernizing, and who ached for the political institutions of the country to follow along. In the manifesto Roederer demonstrates how *industrie, l'homme d'industrie*, but also liberty, security and equality all interacted, holding as common ground the fundamental pillar of society: property. Property newly defined, a definition doing justice to the hard-working men within the Third. If man had no guarantee of his property being safe and rather believed that – just like in the Hobbesian state of nature – it could be taken away by the arbitrary whims of others – man would not enjoy security, nor liberty:

*Nous pensons qu'en effet l'intérêt de la liberté et celui de la propriété sont essentiels a [sic] tous les hommes, communs entre tous les individus, qu'ils sont le fond de tous les autres, qu'ils naissent immédiatement, comme nous l'avons dit plus haut, de l'intérêt de sa sûreté.*⁵⁵

On top of that, emanating naturally from liberty was equality. Not equality as a 'parity of physical, moral or civil faculties between the members of the same society', but rather the 'equal guarantee to enjoy fully and unreservedly their rights' so that man could be assured of his preservation and a full enjoyment of whatever *jouissances* he acquired.⁵⁶ 'Thus society is the effect of a covenant', so Roederer concludes this line of reasoning, clearly evoking the language of social

⁵⁵ Ibid, 544. Translation: 'We think that, in fact, the interests of liberty and these of property are essential to all people, common to all individuals - that they are the foundation of all others, that from them, as we have already stated in the above, the interest of surety is born.'

⁵⁶ Ibid, 541

contract theory, 'and it holds as its main goal security of its associates', which itself depends on the surety of liberty and property.⁵⁷

Roederer maintains that a society in which each and everyone could aim for the *jouissances* of his liking, was consequently one of a heterogeneous composition. It was therefore 'a monstrous wrong' to have just one single class, or a selective group of people representing the interest of all others.⁵⁸ On the contrary, France had to aim for a system of political representation that could cater to the various backgrounds and wishes that were characteristic of this new, highly diverse society. Here, again, in speaking out against the current political representation of the country – which amounted to no real representation – Roederer opens his anti-classical-Republican vocabulary and rejects past representative systems as nowhere nearly suitable to modern-time France. 'There actually still exists a representative body of *'l'ancienne république'*', Roederer contends.⁵⁹ This was also true for Roederer's home city of Metz:

*[L]a République de Metz était une aristocratie qui pesait de la manière la plus impitoyable sur le peuple des campagnes dépendantes de la cite, et de cette aristocratie il en subsiste encore de détestables restes.*⁶⁰

This antiquated political setup, reminiscent of *'l'ancienne anarchie féodale* that still today offends so many enlightened citizens' was not just completely useless as a template in the creation of a new system, but even more than that, its backward vestiges had to be completely overhauled.⁶¹

So what kind of representative system did Roederer precisely conceive of himself? A large deal of *De la Députation* alludes to the qualities it did need and definitely did not need, but for the longest time he does not outline any concrete plan of action himself. In the very beginning, and then, toward the very end of the

⁵⁷ Ibid. Original text: « La société est donc l'effet d'une convention, et elle a pour objet la sécurité des associés, qui ne peut s'établir que par la sureté, laquelle dépend elle-même de la liberté et de la propriété. »

⁵⁸ Ibid, 545.

⁵⁹ Ibid, 550: Il y subsiste réellement un corps représentative de l'ancienne république

⁶⁰ Ibid, 551. Translation: 'The Republic of Metz was an aristocracy that weighed down on the people from the countryside, dependent on the city, in the most ruthless of manners, and of this aristocracy there still exist detestable remnants.'

⁶¹ Ibid, 551.

manifesto, Roederer gives it a serious go. In line with an often-heard underlying reason and motivation for the need of representative government during the 18th century, Roederer argues that the country had grown too populous and the variety of its desires too great for each citizen to be listened to individually.⁶² If, thereto, an assembly were chosen to represent the voices of the citizenry, it would be 'of essence (...) for the plurality [within the assembly] to carry the day over the minority, so that the wish of the plurality carries the force of law.'⁶³ Even before the onset of Revolution, so it thus seems, Roederer was worried that bickering within an assembly could lead to gridlock and political paralysis. So, to make sure that the force of law would actually make itself known in the country 'one must institute a public force and custodians of this force: that which the nomenclatures have called executive power, or government.'⁶⁴ Roederer takes a gloomy look into the crystal ball here, as later in his political career it would be confirmed to him - over and over again - that the legislative branch on its own would not be able to restrain itself, nor the people it sought to represent.

Other questions still needed solving. Who were the ones that would need to get a say in the composition of the assembly? Who were to be enfranchised? Roederer makes clear that those who carried the right to vote would at the same time be eligible as deputy.⁶⁵ On the basis of some complicated calculation, Roederer establishes that there was to be 1 deputy for every 30.000 *têtes* in the country. As there were 24 million residents, the assembly would thus count in 800 representatives. Yet, not all these heads would have a right to representation. Roederer excludes women, people under the age of 25, and people like beggars and servants from the franchise.⁶⁶ This brought the number

⁶² Ibid, 541. Cf.

Manin, Bernard, *The principles of representative government* (Cambridge 1997).

⁶³ Ibid, 543. Original text: « Il est donc de l'essence de nos sociétés conventionnelles que la pluralité conduise la minorité, que le vœu de la pluralité ait force de loi. »

⁶⁴ Ibid, 541. Original text: « A cet effet il faut instituer une force publique et des dépositaires de cette force: c'est ce que les nomenclateurs politiques ont appelé *pouvoir exécutif*, ou gouvernement. »

⁶⁵ Ibid, 562. Roederer says: « Il me semble inexplicable que celui à qui on reconnaît des droits à exercer ne puisse les exercer par lui-même. »

⁶⁶ Ibid, 571. Whatmore's claim that Roederer, in "De la Députation" considers extending voting rights to women, is incorrect. Roederer brings up the question, but after praising the role of women in society, he concludes that they could definitely not get into politics. He names two (rather sexist) reasons for this: first, men, as head of the household, had to safeguard the peace of mind and security of women, so that they could focus on the 'burdensome works nature has charged them with', these works consisting mainly of giving birth and raising children; second,

of heads down to a number of *citoyens*. One deputy would represent 6000 citizens. This meant that one fifth of the entire population had, as Roederer calls it, 'a right to representation'. Doing the proper math, one can conclude that this was, even though women were left out from the political franchise - a very inclusionary vision of political representation, with only 5% of the adult male population excluded.⁶⁷ Not accidentally, the number of those included, paralleled, according to Roederer, the number of citizens in the possession of property - mobile or landed. The political polis was still for those in the possession of property, but indeed a large deal of the population was property-owner on the basis of Roederer's meaning of the word, and thus 'they all must have a stake in the formation of the laws.'⁶⁸

For election of the deputies to go about in an orderly way, citizens had to, within their parish, elect and elector (Roederer does not specify the prerequisites for someone to be eligible as elector), who in his turn would vote for a deputy at department-level. Obviously, this step within the election process (actually put into effect and maintained throughout the Revolution) toned the inclusionary character of the franchise somewhat down. Taken everything into account, there had to be 42 electors per 6000 citizens per 30.000 heads. Considering that for the actual 1789 elections, in order to become an elector, one had to pay taxes at least worth three days of labor (excluding about 40% of the mature male population), and for someone to be eligible, he had to pay the equivalent of 500 days' wages (a qualification only applying to about 1% of the population), in comparison Roederer's ideas at this stage - especially his proposal to make those who were allowed to vote also eligible as deputy - were significantly more inclusionary. What Roederer is not very clear about in the manifesto, though, is what it actually meant to be a *citoyen* as opposed to a *tête*. *Droit de députer, droit d'élection, droit de l'éligibilité, and droit à la représentation*

the inclusion of women into the Assembly would undoubtedly lead to distraction and seduction on the part of men (p. 554).

⁶⁷ According to Roederer's math, 50% of the population consisted of women, and 25% was younger than 25. So 75% of the entire population would - this was by no means extravagant or exclusionary political thinking for the time - be excluded from the political franchise. Adding the 20% of the population (consisting of adult males, minus beggars and servant) that did have a part in the franchise, the total stands at 95%. This means that 5% of the adult male population was excluded.

⁶⁸ Roederer, "De la Députation", 558.

are all terms used interchangeably, haphazardly, and without any clear definition, something that is an indication of the early stage his thinking on political representation was still in by the time.

1.4 In conclusion

Guided by his experiences in manufacturing industry and his political activities in the Metz *Parlement*, situated in a foreign province, during the pre-revolutionary and early revolutionary phases Roederer gave rise to the first important elements of his moral-political theory. His redefinition of property and his 'invention' of *l'homme d'industrie*, a man driven by his pursuance of *jouissances*, stood central to his early thinking and would come to have a much longer legacy throughout the rest of his intellectual and political career. The way Roederer theorizes property and (*l'homme d'*)*industrie* in *De la Députation* can be seen as both his first serious rejection of classical Republicanism as well as an early exemplification of modern Republicanism. Roederer continuously emphasizes the importance of commerce for societal progress and goes so far as putting superfluity and luxury into the most positive of lights. The 'virtuous citizen', as defined in typical modern Republican discourse (as recognized in historical scholarship), did not stand in opposition to commerce, like in discourses of classical Republicanism. The virtuous citizen, as presented by Roederer, even embraced commerce.

Roederer saw political representation (also tying in to modern Republicanism), instead of direct participation, as the only viable option for the heterogeneous and large society France had become. The kind of political representation he envisioned was of inclusionary character, even though women held no *droit à la représentation* in his views. The exclusion of women from the political franchise was nothing more than common for the time. Still, we should not hasten to overstate, as Whatmore does, the 'extraordinarily democratic' character of the political representation he envisioned. We cannot be sure what kind of prerequisites Roederer saw fit - if any - for the electors (those who would directly choose the deputies), as he does not make this explicit in the manifesto, and apart from that, he is somewhat ambiguous about what it really meant to be a *citoyen* as opposed to a *tête*. On the other hand, it would be much less accurate

to call Roederer's views for this period authoritarian, as Jainchill explicitly does for *De la Députation*.⁶⁹ There are two important things within the work that we can point out as being of unequivocally democratizing nature for the time. First, Roederer insists on a place for *l'homme d'industrie* (and with that, *propriété mobilière*) in the political polis, hereby (at least on paper) heavily extending it, and secondly, he places work (and thus merit) rather than descent and bloodline, central to the matter of *jouissances*. A family of grand-proprietors did, in principle, not have any larger primitive rights to obtain a mental or physical pleasure of whatever kind than the family working their land. Indeed, Roederer believed that, to put it in the words of someone who, later on in the Revolution, would become one of his most important kindred spirits, '[n]o one ought to have any door closed to him on the pretext that he did not start trying to get in before he was born.'⁷⁰

The fact that Roederer spoke out against classical Republicanism in shaping his own theory does not mean he did not borrow from it. This is already obvious right at the start of *De la Députation*, which opens, quite surprisingly, with a quote by Ovid.⁷¹ Roederer does the same when he speaks out against the Physiocrats who, invoking the language of natural rights and social contract theory, claimed that land was the basis of society and landed-property was the only real form of property. Yet, the manifesto itself, as we have seen, taps into the same kind of language in countering these views. This borrowing technique would reappear in Roederer's later works and helped him to seize useful elements of theories and models that he otherwise rejected as superannuated.

⁶⁹ According to Jainchill, Roederer states in the manifesto that 'man without property is a mere passenger in the state.' However, he misattributes this statement to Roederer. The quote does appear in his work, but in fact Roederer himself cites someone else with whom he disagreed.

⁷⁰ Sieyès, Emmanuel Joseph, In Michael Sonenscher (ed.), *Political Writings* (Cambridge; Indianapolis 2003), lxiv.

⁷¹ The opening quote reads: 'Da veniam scriptis quorum non gloria nobis Causa, sed utilitas officiumque fuit.'

PERIOD 2: PLOWING THE GROUND (1792 - 1794)

2.1 Roederer's revolutionary trauma

« Madame, tout Paris marche. (...) Sire, le temps presse; ce n'est plus une prière que nous venons vous faire, ce n'est plus un conseil que nous prenons la liberté de vous donner : nous n'avons qu'un parti à prendre en ce moment, nous vous demandons la permission de vous entraîner. »⁷²

These are the words Roederer spoke, according to himself, to the queen and king on 10 August 1792, while a growing crowd of enraged people was well under way besieging their Tuileries Palace. In a work recounting his role as *procureur-général-sydic* of the Paris department during the fifty last days of the monarchy, Roederer provides us with a breathtakingly graphic account of the fall of the kingdom.⁷³ It was Roederer, who in this administrative function, guided Louis XVI and his family to the Assembly, the only place Roederer at the time - in hindsight ironically so - thought to be safe for them. As Roederer and his company passed through the Tuileries gardens toward the Assembly, Louis XVI is claimed to have said to Roederer: ‘ “How many leaves already...they are falling early this year.” ’⁷⁴ A quote describing well the state the Monarchy was in at the time: dying. The Palace was stormed and hundreds of *Sans-culottes* and Swiss Guards died, while Louis XVI took a seat in the reporters' box of the Legislative, seeing how the Monarchy got suspended.⁷⁵ As for Louis XVI, also for Roederer it was, without a doubt, one of the most dramatic episodes of his entire political career.⁷⁶ It was also an event that put him under heavy suspicion from various

⁷² Roederer, Pierre Louis, “Chronique de cinquante jours, du 20 juin au 10 août 1792” [1832], in A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 3 (Paris 1853-1859), 226. Translation: “Madame, all of Paris is on the march (...) Sire, there is no time, it is no longer a plea that we are making you, it is no longer an advice that we take the liberty of giving you. There is only one thing to do at this moment, we ask your permission to take you off with us.”

⁷³ The office of Procureur-général-sydic was the highest executive post of the department.

⁷⁴ Roederer, “Chronique”, 227.

⁷⁵ Ballard, Richard, *A New Dictionary of the French Revolution* (London; New York 2012), 105.

⁷⁶ This can be inferred from the fact that the story kept returning in his works, for instance in “L'Esprit de la Révolution de 1789” [1831], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 3 (Paris 1853-1859) i-56.

revolutionary factions, making Roederer decide to lie low for a short while right after it had all happened.⁷⁷

The 10 August-experience was for Roederer the nadir in a chain of developments he had witnessed as *procureur-général-syndic*, a post he had obtained with the inception of the Legislative Assembly. It struck him how few tools the executive functions of the newly formed State actually had in carrying out the law. He began to realize that when he and the other deputies of the Constituent Assembly had labored so meticulously on the Constitution, they had not put sufficient thought in the question of how the legislature, and the people it represented, would be presented with a restraining counterbalance. In one of his memoirs, Roederer writes in a discontented tone that it had been ‘absurd’ and an ‘illusion’ on the part of departmental administrators at the time to believe ‘that they could impose their will on the municipalities’, hereby implicitly referring to himself.⁷⁸ In fact, after the *journée* of 10 August, Roederer’s feeling that the legislature and the people it represented could not behave in an orderly manner without firmer regulation, was only amplified as he witnessed the radicalizing language of the Jacobins and the related upheavals from the Parisian Communes, most cruelly captured in the September massacres.⁷⁹ Soon, there would be many more revolutionary episodes and *journées* that could confirm to Roederer the view that the streets were not yet ready to have reins fully freed on them on their road toward modern society. But even though this road was more wobbly than he had imagined before, the destination would remain the same.

In this chapter, I will demonstrate how Roederer came to grips with the wobbliness of this political path, through the advancement of the moral dimension in his thinking. I will show how Roederer turned toward the inner-world of human beings, believing that this world, full of passions and sensations, could be scientifically understood and that this understanding would have a direct benefit with a view to taming the masses in these turbulent times. With the onset of the first Republic, Louis XVI beheaded, and the first institutions of

⁷⁷ The monarchist accused him of having brought the king right before his gravest enemies in the Assembly, while the republican-minded people accused him of royalism.

⁷⁸ Roederer, Pierre Louis, “Notice de ma vie pour mes enfants - première partie”, In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 3 (Paris 1853-1859), 280.

⁷⁹ Also the September massacres made for a returning element in his memoirs.

the Terror set up, Roederer thus sought to formulate a response in his thinking to the dramatic unfolding of events. In doing so, his ideas in some respects moved toward those expressed by one of his most famous fellow-revolutionaries: Emmanuel Joseph Sieyès. This is not the greatest of surprises, as Roederer and Sieyès had sailed very similar waters from the beginning of the Revolution onwards, something which led Sainte-Beuve to describe Roederer as ‘*un Sieyès en monnaie et un circulation.*’⁸⁰ Apart from being fellow deputies to the National Constituent Assembly of 1789, visiting the same salons (both were, for example, regular guests at Mme de Staël’s), and to a large degree drawing on a similar range of thinkers in developing their ideas, their private correspondence reveals a personal intimacy as well.⁸¹ Roederer held Sieyès in very high esteem, in his writings calling him ‘the first and most brilliant manifestation of the Revolution’s spirit’ and acknowledging that he even got much more satisfaction from hearing the man utter his incoherent thoughts, than having to listen to all those platitudes from others:

*Pour moi, je trouve plus de profit, et même, je le confesse, plus de plaisir, à ramasser, à mettre en réserve, à arranger, à nettoyer les richesses brutes et mélangées que cet homme nous jette pêle-mêle du fond de la mine qu’il exploite, qu’à considérer ces longues lames (...) tellement rebattues quelles ne peuvent plus servir que d’écorces ou d’enduit à quelque chose de solide.*⁸²

Through the poetry of this quote, we can read Roederer’s lack of patience with many oft-expressed thoughts and opinions on how the country should deal with the political challenges it was faced with, thoughts he compares to a blunt blade.

⁸⁰ Sainte-Beuve, C.A, "Le Comte Roederer", In *Causeries du lundi* (London 1852-1856), 346.

⁸¹ Forsyth, Murray. "Introduction", in Pierre Louis Roederer (Murray Forsyth ed.), *The Spirit of the Revolution of 1789* (Vermont 1989), 127-128.

⁸² First quote: Roederer, Pierre-Louis, "L'Esprit de la Révolution de 1789" [1831], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 3 (Paris 1853-1859), iv. Original text: « Ces excellent écrits, qui eurent deux, trois et quatre éditions en mois d'un an, sont les première et les plus éclatantes manifestations de l'Esprit de la révolution, ses premières expression, le premier souffle de l'immortelle vie que la nation a reçue d'elle. » **Second quote** from Roederer, Pierre-Louis, "De L'Opinion de Sieyès" [1795], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 6 (Paris 1853-1859), 105. Translation: 'For myself, I find more profit, and even, I confess, more pleasure, in gathering, storing, arranging, and cleaning the raw and mixed riches that this man throws to us pell-mell from the bottom of the mine he is exploiting, than in having to consider these long blades (...) that have been beaten so often that they can do no more than serve as ornament or coating of something solid.'

How different a spirit Sieyès brought upon the country – as sharp as a knife, fully befitting revolutionary times.

Sieyès' ideas were particularly useful for Roederer in the formulation of an answer as to how the search for *jouissances*, a central concept of the industrial dimension in his thinking (as the first chapter has shown), could be held in check. An answer to this challenge could not have been more urgent, as it was precisely the inability of the people to control their appetites that had led, according to Roederer, to the revolution spinning out of control, with France threatening to get hijacked by Robespierre and his bogeymen. As a response, Roederer developed a *Science des moeurs*, a science of people's mores, which would make sure that - if applied properly and with the right civil laws and education in order - people's personal appetites could 'be led toward paying tribute to the public interest'.⁸³ Roederer explicitly juxtaposed his *science* and Sieyès' ideas to the propagators of Terror.

The most outspoken attempts in this respect for the period 1792-1794, and the richest range of expressed alternatives, can be found in *Cours d'Organisation Sociale*. Roederer composed this work for a number of lecture courses he gave at the Parisian *lycée*. In the work he analyzes the social foundations of modern commercial society – again based on his notion of property and *industrie* – and attempts to explain how society, in understanding these foundations, could create constitutional stability. Roederer delivered his lectures over the late winter and spring of 1793, in a period that saw the appropriation of power by the Mountain in the Convention. He had to be careful not to criticize the political developments he witnessed too openly, hence relying on philosophy to do so. This can be seen most clearly in *Entretien de Plusieurs Philosophes Célèbres*. This work was originally intended as a part of the lecture courses, but as Roederer was forced to abruptly halt his classes when the Girondins were expelled from the Convention, he resolved to write the *Entretien* while in hiding, or expressed in his words, 'from a tomb', thinking about 'the sincere friends of the Republic, who are slain every day by hatred and vengeance.'⁸⁴ The work evolves around an imaginary philosophical discussion

⁸³ Roederer, "Cours d'Organisation", 186.

⁸⁴ *Ibid*, 130.

between Voltaire, Rousseau, Montesquieu, Hobbes, Locke, Bayle, Helvétius, and Sieyès on the question of what would be the best form of government to safeguard property and liberty, important pillars, as we have seen in the first chapter, of Roederer's developing moral-political theory.⁸⁵ The *Cours* and *Entretien* reveal that Roederer's intellectual concerns of 1786-1792 were still very much his concerns in 1792-1794. 'Well, it is this need for *jouissances*, non stop *jouissances*, that is the guarantor of property together with *industrie*', so he solemnly proclaims in the *Cours*, wholly in line with his premise in *De la Députation*.⁸⁶ But how these key features of modern commercial society could be kept in check and safeguarded, that was the challenge he was now faced with; he had to adapt and further develop the theoretical underpinnings of his envisioned modern commercial society with serious regard for the political reality of the day. In doing so, his revolutionary theory got enriched with a *Science des moeurs* (and subsequent loud calls for education of the people therein) and Roederer kept on thinking about the proper representative-governmental shape into which all this had to fit.

2.2 The philosophical stalemate

I start with an analysis of the *Entretien de Plusieurs Philosophes Célèbres* before focusing more closely on *Cours d'Organisation Sociale*, because the former work elucidates some of the key facets of the latter work, and helps us to grasp its intellectual context and more specifically, the role of Sieyès in it.

In the introduction of the *Entretien*, Roederer hints that the work can be directly related to the political situation at the time by saying that one should try to keep in mind, when reading the piece, 'what has been said by the wisest politicians about the superiority of [certain forms of] governments and one will see that it leads to no outcome whatsoever.'⁸⁷ In other words: the reader should anticipate a philosophical discussion that will end in a stalemate – a reference to the political situation with a Convention that had not been able to make up its

⁸⁵ Roederer, Pierre-Louis, "Entretien de Plusieurs Philosophes Célèbres, sur les Gouvernements Républicain et Monarchique" [1793], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 7 (Paris 1853-1859) 61-71.

⁸⁶ Roederer, "Cours d'Organisation", 246. Original text: « Eh bien, c'est ce besoin de jouissances, et de jouissances sans cesse variées, qui est caution de la propriété auprès de l'industrie. »

⁸⁷ Roederer, "Entretien", 61.

mind about the best way of governing the country, and now giving in to demagoguery and Terror. In the beginning of the philosophers' conversation, monarchical and republican government are presented as clear opposites, with Voltaire taking the lead in arguing that a republic is the most natural of the two, and Hobbes claiming that it is rather a monarchy. Later Bayle joins Hobbes on his side of the debate, whereas Voltaire finds a supporting voice in Rousseau.⁸⁸

Quickly after the debate has started, Sieyès interrupts Voltaire and Hobbes by asking them what exactly they mean by monarchy, republic, and the most natural form of government. If the discussion is to render any satisfactory outcomes, certainly 'one has to start by analyzing the meaning of each of these words first.'⁸⁹ At first the other philosophers are surprised by this interruption – '*Connaissez-vous ce monsieur-là?*' Voltaire asks Bayle – but apart from the suggestion that it might be Descartes or, indeed, Condillac, no one seems to know him. Roederer's positioning of Sieyès between such grand names of philosophy is telling. Sieyès only makes his way into the conversation twice (apart from one short contribution in between), but the appearances he does make are very significant; the first one is to establish what exactly will be discussed, the second one is to conclude. It seems that Roederer on the one hand attempts to show that Sieyès can rightfully lay claim on a place between such names, but that he, on the other hand, is the odd man out; apart from being the only living man at the (real, not imaginary) time, the deeper significance of his position in this respect, as we will see as the conversation unfolds, is his symbolical role as 'modern', that is, the man who manages to break away from a pattern of reasoning in which examples of ancient history are used in the defense or condemnation of certain forms of government.

⁸⁸ As the discussion takes place with philosophers of different times – of whom only one was still alive when the piece was written, I recount their discussion in the present tense.

⁸⁹ Roederer, "Entretien", 63. This passage illustrates Sieyès' grave (in some cases maybe even compulsive) concern for the right use of terminology, alluding to the influence of Condillac, who had claimed that knowledge and human progress went hand in hand with a purification of language. This compulsive concern for the right use of terminology might be one of the reasons why Sieyès wrote and published relatively few works – he often preferred to cite his ideas to others, words for them to be noted down. Roederer did not bear such problems and lavishly wrote from the beginning of his political career up to his deathbed. The concern for language as an instrument in conveying as precisely as possible the nature of things played an important part in the 'social art' that Sieyès' developed. More information on this 'social art' will follow later on in this chapter.

After Sieyès' interruption, the other philosophers decide that first they need to reach an agreement on the question by what standards a government can be judged to be 'good'. For Helvétius the answer is simple. 'The best of all governments is the one in which the people are the most happy.'⁹⁰ According to Voltaire, it is rather a government where people only obey to law. Quite predictably, Montesquieu is skeptical of these statements. According to him such standards are all relative, as the suitability of a certain form of government could be dependent on climatic or geographical conditions. Locke then puts an end to the quarrel (using language that might remind the reader of the *Two Treatises of Government*) by stating that they first would need to define absolute factors that render a type of government legitimate. 'The guarantee of liberty and property', Hobbes, Bayle and Sieyès immediately answer in chorus.⁹¹ In this instance – and this is of profound importance as the conversation unfolds - nobody disagrees. This allows Roederer to subsequently construct the debate around the question which type of government does most harm to property and liberty – indeed still two core elements in his thinking - in which the participants try to awe each other with rivaling examples.

'I begin by invoking experiences of all times and all people', Roederer has Bayle say, 'and I sustain that kings have exercised less tyranny than popular governments.'⁹²

*Et, par exemple, je dis qu'on chercherait en vain dans l'histoire de Macédoine autant de tyrannie que l'histoire d'Athènes nous en présente.*⁹³

Voltaire is indignant at hearing these words from Bayle:

*Le peuple d'Athènes n'a-t-il pas fait amende honorable à Socrate, à Phocion? N'a-t-il pas demandé pardon aux six généraux si indignement jugés et exécutés?*⁹⁴

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid. Original text : « Je commence pas invoquer l'expérience de tous les temps et de tous les peuples, et je soutiens qu'il a été moins exercé de tyrannie par les rois que par les gouvernements populaires. »

⁹³ Ibid. Translation: 'And, for example, I would say that you would look in vain for so much tyranny in the history of Macedonia as the history of Athens presents to us.'

Rather, contrary to what Bayle believes, in the ancient kingdom of Macedonia, the number of crimes far exceeded those committed in Athens, and not the smallest trace of virtue or talent was to be found there:

*C'est Ptolomée, oncle d'Alexandre le Grand qui assassine son frère Alexandre pour usurper le royaume. C'est Philippe, son frère, qui passe sa vie à tromper et à voler, et qui finit par être poignardé par Pausanias. (...) Ainsi donc, pendant deux siècles, la fureur du despotisme fait de la Macédoine le théâtre de tous les crimes, et pendant ce long espace de temps on n'y voit ni talents ni vertus.*⁹⁵

Bayle on his turn admonishes Voltaire to think about 'all crimes committed in Rome by the faction leaders in the time of the republic.'⁹⁶ Certainly every republic has its flaws, Voltaire concedes, but those flaws came nowhere close to all the abominations he could name for the monarchies Bayle acclaims, unless they were talking about a 'republic composed by demons in a corner of hell.'⁹⁷ Hobbes defends Bayle by citing *De Cive*, saying that in popular governments – at this point the monarchy-republic opposition is framed as that of royal versus popular governments – 'one can find as many Neros as there are orators devoted to flattering the people.'⁹⁸ Then Rousseau comes in, claiming that at the end of the day, it does not matter that much what kind of government they are talking about, the only difference being that in perverted popular governments 'powerful men take from the right to give to the left' whereas in perverted royal governments 'everyone takes from below to carry themselves higher up, and then takes from above to give to [the people] below.'⁹⁹ As a recent example of the system in which everyone took from below to carry himself higher up, Rousseau

⁹⁴ Roederer, "Entretien", 64. Translation: 'Have the people of Athens not made honorable repentance toward Socrates, and to Phocion? Have they not asked pardon for six generations so unworthily judged and executed?'

⁹⁵ Ibid. Translation: 'It is Ptolemy, uncle of Alexander the Great that assassinated his brother Alexander to usurp the throne. It is Philip, his brother, who lived his life deceiving and stealing, and who finished by being stabbed by Pausanias (...) So, all in all, for two centuries, the furor of despotism turned Macedonia into a theater of all crimes, and for such a long timespan one could discover there neither talents, nor virtues.'

⁹⁶ Ibid.

⁹⁷ Ibid, 65.

⁹⁸ Ibid, 64.

⁹⁹ Ibid, 67. Full original quote: « Dans la démocratie corrompue, les hommes puissants prennent à droite pour donner à gauche; dans le despotisme, chacun prend au-dessous de soi pour porter au-dessus, et prend ensuite au dessus pour donner au-dessous. Voilà toute la différence. »

elaborates on the practices of the Tax Farm (*Ferme Générale*) in ancien régime France.¹⁰⁰

The heated discussion goes on for a while, with Voltaire, Bayle, Hobbes and Rousseau pointing out both the virtues and the crimes of Athens, Rome, the ancient kingdom of Macedonia, Sparta, The Swiss federation, and the Dutch Republic; with them talking about to the exile of Cimon, Aristides, and Themistocles, and the killing of Phocion and Socrates in classical Greece; with them discussing the bloodshed in the public plays of the Roman republics; and with them evoking a large range of political leaders, dictators, thinkers and poets of the times and regimes under discussion. The ever so wise Montesquieu puts an end to the back and forth tossing of mostly negative examples, subtly indicating that they had gotten themselves into a deadlock. By writing the philosophical debate toward an impasse, it seems that Roederer mocks the invocation of all these historical examples, mainly derived from classical times. A focus on the politics of Athens, Rome, Sparta, and so on, could lead nowhere but to utter confusion and anarchy, even in a debate between such enlightened men.

The deadlock clearly parallels tendencies Roederer had observed within the Convention, where an increasing number of people evoked such language from the past in legitimizing their ideas and envisaged course of political action. Most notably, these people were Robespierre and his henchmen. Imbued with a language that evoked the public virtues of the ancients, they attacked the alleged individualism and corruption of modern commercial society.¹⁰¹ As Robespierre put it to the Convention in defining the foundations of revolutionary government,

¹⁰⁰ This example is clearly reminiscent of Roederer's role as member of the tax committee in the National Constituent Assembly, in which he had been responsible for disbanding this hated institution. In both Roederer's and Sieyès' thought, the modern fiscal state was of central importance. The soaring public debt that had preceded the French Revolution and which was a direct cause for the convocation of the Assembly of Notables in 1787 brought with it the important question as to what constituted the 'public' of the public debt. In a cyclical system where tax revenues were used to pay off the interest on the borrowed money to fund warfare, there was the contentious question as to how the growing burden of this debt could be fairly funded from those tax revenues. In *Views of the Executive Means Available to the Representatives of France in 1789* and, more famously, *What is the Third Estate*, Sieyès puts forth the idea to take away power over the tax system and public debt from the royal government, and place it in the hands of the nation (or *pouvoir constituant*), something which would amount to a shift from sovereignty of the monarch to sovereignty of the nation. More information: Sonenscher, Michael, "The Nation's debt and the Birth of the Modern Republic: the French Fiscal Deficit and the Politics of the Revolution of 1789", *History of Political Thought* 18, no. 1 (1997): 64-103.

¹⁰¹ Baker, "Transformations of Classical Republicanism".

the State had to opt for a kind of ‘public virtue which [had] produced so many marvels in Greece and Rome, and which must produce far more astonishing ones in republican France’ and which would guarantee ‘love of the *patrie* and of its laws.’¹⁰² In the *Cours d’Organisation Sociale*, Roederer demonstrate how, on the basis of this classical Republicanism, Robespierre attacked property, Roederer’s sacred pillar of modern society. This made Robespierre part of the *niveleurs*, a group that believed property to be harmful to equality and therefore sought to proscribe it.¹⁰³ Robespierre, in one of his speeches had declared that property should be treated as a social institution rather than – as Roederer argued it to be – a preordained, inalienable right.¹⁰⁴ Therefore Roederer was afraid that Robespierre and his political associates, evoking the equality of the ancients, would give rise to extreme expropriation measures that could only lead to equality in ‘famine and extreme suffering.’¹⁰⁵ The *niveleurs’* classical conception of the virtuous citizen, which abided by the principle of ‘less riches, more manners; with more manners one has more force’, was in fact tantamount to ‘the annihilation of all civilization’, or the establishment of a veritable ‘*antiqu’archie*’.¹⁰⁶

Of course, Robespierre’s proposed ideas were diametrically opposed to Roederer’s belief in the power of a bustling system of *industrie*, with manufacture, trade, and agriculture all feeding into each other, a system propelled by people’s search for a pleasurable life. Roederer’s mockery in the *Entretien* of the indulgence in history, and more specifically, classical history, in devising the right model for the present, can be seen as a sign of his opposition to classical Republicanism, and with that, around this time, his opposition specifically aimed at Robespierre and his following. According to Roederer, there could not be a bigger contrast between such flawed historic reasoning and the

¹⁰² Robespierre as cited in Baker, “Transformations of Classical Republicanism”, 49.

¹⁰³ Roederer, “Cours d’Organisation”, 145. He says about the *niveleurs*: « Les niveleurs, au contraire (...) qui connaissent très-bien les hommes, mais non la terre (...) voient l’égalité altérée pas la propriété, et ils proscrivent la propriété. Si vous leur représentez qu’ils vont diminuer la production, ils vous répondent : Moins de richesses, plus de mœurs ; avec plus de mœurs on a plus de force »

¹⁰⁴ Speech of Robespierre to be found in: Robespierre, Maximilien de, “Sextidi 26 Messidor an CCXVIII” [1793], in *Œuvres de Maximilien Robespierre*, Vol. 9 (Enghien-les-Bains 2015) 459-469.

¹⁰⁵ Roederer, “Cours d’Organisation”, 153.

¹⁰⁶ Ibid, 145; Ibid, 148-149; Ibid, 180. First quote: « Moins de richesses, plus de mœurs ; avec plus de mœurs on a plus de force. »

modernity of Sieyès. In the *Entretien* Sieyès is the only one managing to avert a definitive checkmate of the discussion the thinkers are having. With one last observation coming from Voltaire (who responds to Montesquieu's remark that they had reached deadlock), Roederer prepares the ground for Sieyès' concluding thoughts. Voltaire urges everyone to 'terminate a debate that cannot enlighten us' in any way. The significance of what Roederer has him say here, justifies quoting the passage almost in whole:

[L]a dispute finit toujours par convenir qu'il est fort difficile de gouverner les hommes. (...) Il y a des figures de géométrie très-régulières et parfaits en leur genre; l'arithmétique est parfaite; beaucoup de métiers sont exercés d'une manière toujours uniforme et toujours bonne; mais pour le gouvernement des hommes, peut-il jamais en être un bon quand tous sont fondés sur des passion qui se combattent ?¹⁰⁷

Sieyès then responds decidedly: 'No, gentlemen, no, it is not impossible to find a precise solution to the question with which you have engaged.'¹⁰⁸ Voltaire's quote, coming just before Sieyès' conclusion, goes right to the core of what it was all about for Sieyès. According to him – in this instance I am talking about the real Sieyès rather than the one portrayed in the discussion - progress in the natural sciences had indeed been impressive and swift – just as Roederer makes Voltaire say here. Unfortunately, progress of a science into the social world, by Sieyès called '*science de l'art social*' or '*la mécanique sociale*' had been comparatively slow. In the opening of *Views of the Executive Means* Sieyès discusses the lack of a proper social science at length, capturing at once his own frustration – also exhibited by Roederer - with the exaggerated focus on old world vistas by many of his contemporaries and his conviction that also the social realm could be studied in a precise and meticulous fashion, using the same techniques as those of the natural sciences:

¹⁰⁷ Roederer, "Entretien", 70. Translation: "The dispute always finishes by having to accept that it is very difficult to govern the people. (...) There are geometrical figures, very steadily shaped and perfect in their genre; Arithmetic is perfect; many professions are exercised in an constantly uniform and constantly good manner; but for the government of people, will there ever be a good one when all are founded on passions that are in fight with each other?"

¹⁰⁸ Ibid.

Assez d'autres croiront devoir demander aux siècles barbares des loix pour les Nations civilisées. Nous ne nous égarerons pas dans la recherche incertaine des institutions et des erreurs antiques.

(...)

La mécanique sociale n'a pas moins été enrichie, de nos jours, par les veilles législatrices du génie; pourquoi refuserions-nous de la consulter sur les vrais moyens de pouvoir aux grands besoins des sociétés politiques?¹⁰⁹

In consonance with this passage in Sieyès' own work, in the *Entretien* Roederer depicts a Sieyès who believes that, with the help of the science of the 'social art' or 'social mechanics', people could create a truly good government for themselves. In doing so, it was pointless having to choose between a republic or monarchy. In fact, there were many different forms of governments that could be distinguished – democracy versus ochlocracy, monarchy versus polyarchy, to name a few - each form of which could be subdivided in turn. If one preferred the type of government best capable of making its people most happy over other types, as Helvétius did, it was important to ask what could be the true origin of happiness in the social state. 'The full enjoyment of natural rights' Sieyès answers himself, and these natural rights 'consist in liberty and property', hence the government best able to preserve these conditions would be the best one.¹¹⁰ This type of government could be a known, but also an imagined one. Thus, the *Entretien* finishes with the thought that the best form of government could well be one that had not existed thus far. On the basis of a science of the social art, the realm of possibilities in the creation of good government was without borders.

Going back to the quote of Voltaire, just before Sieyès' concluding remarks, we see that he somewhat desperately asks himself whether there would ever be a truly good government for people 'when all are founded on

¹⁰⁹ Sieyès, Emmanuel Joseph, *Vues Sur Les Moyens d'Exécution Dont les Représentants de la France pourront disposer en 1789* (Paris 1789), 1-2. Translation: 'Enough others believe it to be necessary to ask barbarous centuries for laws suitable for civilized nations. We, however, will not be misled by a dubious quest for ancient errors and ancient institutions. (...) The science of social mechanics has been no less enriched in our own time by the old legislators of genius; so why would we refuse to consult social mechanics to find the true means to provide for the great needs of the political societies?'

¹¹⁰ Roederer, "Entretien".

passions that are in fight with each other'.¹¹¹ Roederer does not let Voltaire make mention of 'passions' by chance. Roederer, seizing on Sieyès' social mechanics, believed that also people's inner world – their needs, interest, passions and mores – could be studied like a physician studied the body, a mathematician studied numbers, or an astronomer studied celestial object. On the basis of that belief he developed a *Science des moeurs*, a chemistry of the social world. By having Voltaire say passions are in *fight* with one another, Roederer quite literally means that people, in their search for *jouissances*, experienced an ongoing inner-battle between passions that could, on the one hand, lead to virtuous behavior, and on the other hand, to vices. In this inner battle, it was important for passions conducive to virtuous behavior to gain the upper hand, so that in the end, a modern society based on upright *moeurs* could become reality. How this, and what exactly needed to be done for that end to be achieved, is a conundrum which Roederer tried to tackle with this *Science de moeurs*, the dominant and also most important developing element in his moral-political theory for the period 1792-1794. In shaping this science, Roederer was highly indebted to Sieyès, as can be inferred from the *Entretien*, but also to Condorcet, who shared the same intellectual concerns at that time, something to which his *Esquisse* bears testimony.¹¹² Other than Condorcet, however, Roederer believed that people's *moeurs*, habits and *volontées*, driven by the passions, were more forceful than reason and therefore possessed more power than laws. Therefore it was of paramount importance to manipulate people's passions. Not through force, as Sieyès suggested, but rather through education. This brings us to the work that had prepared the ground for the *Entretien: Cours d'Organisation Sociale*. In the *Cours* Roederer at once talks about (indeed leading to a mirror-effect) the need of educating people through his *Science des moeurs*, while at the same time trying to do exactly that which he proclaimed, that is, educating and instructing the audience of his *Cours* in his ideas.

¹¹¹ Ibid, 70. «...mais pour le gouvernement des hommes, peut-il jamais en être un bon quand tous sont fondés sur des passion qui se combattent ? » italics in text added.

¹¹² Condorcet, Jean-Antoine-Nicolas de Caritat, *Esquisse d'un Tableau Historique des progrès de l'Esprit Humain* [1794]. Edited by Jean-Marie Tremblay (Québec 2005).

2.3 The liberal ambitions of *Science des moeurs*

The goals of Roederer's *Science de moeurs*, as they come to us in the *Cours* are very ambitious. In the work, Roederer claims that the manners of the country could be precisely defined for a successful and happy life and the legislator could, on the basis of the understanding of the country's *moeurs* further develop tactics to make sure these *moeurs* would be propagated, and as a result, further entrenched within society. If a true understanding of people's inner worlds would be obtained - what drove them?; which passions did they exactly harbor?; what were there aching needs and interest? - institutions, education and civil laws could be accordingly adapted. This would 'introduce order in the *volontés* of men, justice, and virtue in their actions' and as a consequence people would be 'better able to ensure the happiness of society.'¹¹³ On the basis of a *Science des moeurs*, society immersed in *industrie* could make sure to see virtuous outcomes, rather than moral travesties, coming from people chasing after pleasant living and luxury, that is, from their constant pursuit of *jouissances*:

*L'amour des richesses dans un pays où elles seront le prix de la bassesse, de l'intrigue ou de la fraude ne produira que bassesse, intrigue et fraude. Dans le pays où elles seront le prix de l'industrie, l'activité, l'économie, elles produiront l'industrie, l'activité, l'économie, la modestie et la frugalité, qui partout accompagnent l'économie et l'amour du travail, même au sein des plus immenses richesses.*¹¹⁴

In this statement, Roederer clearly exhibits a Mandevillian view of luxury.¹¹⁵ Yet, an important question, so far still unanswered, is how exactly Roederer's *Science* was going to make sure that his envisioned system, founded on people's personal appetites, in which they continuously strived to fulfill their own pleasures, could be kept stable and beneficial to the general interest of the country. And to what

¹¹³ Roederer, "Cours d'Organisation", 208. Original text: « ...introduire la règle dans les volontés des hommes, la justice, la vertu dans leurs actions et il est évident qu'en occupant ces passages nous aurons mieux assuré le bonheur de la société. »

¹¹⁴ Roederer, "Cours d'Organisation", 186. Translation: 'The love of riches, in a country where they are the result of baseness, intrigue and fraud, will produce nothing but baseness, intrigue and fraud. In a country where they are the result of *l'industrie*, activity and economy, they will produce *l'industrie*, activity and economy, modesty, and frugality, everywhere accompanied by economy and the love of work, even in the midst of immense wealth.'

¹¹⁵ Derived from Bernard de Mandeville, the Dutch-Anglo philosopher (1670-1733), famous for his *The Fable of the Bees*. For elaboration on the 18th century luxury debate, see previous chapter.

extent should government play a role in this? I will extensively return to the first question in the next section, after having dealt with the more specific second one.

The agitations, political violence and rise of the Reign of Terror surely made clear to Roederer that people's personal cravings could not be left to flourish without stricter control from above; the instances in which the crowds, driven by passions of blood thirst, resorted to slaughtering countless people – as had happened during the September massacres – were a conspicuous proof of this.¹¹⁶ It was one of the primary reasons he decided to devise a *Science des mœurs* to begin with. Yet, as we will see, Roederer conceived of an ideal *Science* that could create a social world in which government and politics would become increasingly redundant. In the lecture courses, Roederer conceives of a political-philosophical spectrum, on the one side occupied by thinkers who wanted 'a very independent, mighty and strong government or executive power', the kind of government that was oftentimes 'formidable because of its threats, seductive through its promises.'¹¹⁷ Often, it was the same kind of *philosophes* who did not impute any spontaneity to human sociability.¹¹⁸ At the other side of the spectrum stood philosophers who were of the opinion that society needed 'no government whatsoever, not because they abhor order', so Roederer argues, but rather 'because they believe that government is not very necessary in establishing order'.¹¹⁹ Philosophers who occupied this extremity on the continuum, most of the times thought spontaneous human sociability to be very strong, so strong in fact, that they believed it capable of

*...tellement unir ensemble les intérêts des citoyens, de tellement éclairer les esprits sur les avantages de cette union, que la société existe par la seule force de l'association même (...).*¹²⁰

¹¹⁶ Roederer, "Cours d'Organisation", 181.

¹¹⁷ Ibid, 180. Roederer says about this spectrum: « Les uns veulent pour garantie des conventions sociales non-seulement un gouvernement ou pouvoir exécutif très-indépendant, très-puissant, très-fort, mais encore un supplément de gouvernement dans une religion imposante par l'austérité de ses préceptes, par le nombre de ses ministres et la pompe de ses cérémonies, redoutable par ses menaces, séductrices par ses promesses. »

¹¹⁸ Roederer, Pierre Louis, "Lettre à Dupont (de Nemours)" [1796], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 4 (Paris 1853-1859), 468.

¹¹⁹ Roederer, "Cours d'Organisation", 180. Full original quote: « L'autre extrême est l'opinion de ceux qui ne veulent point de gouvernement, non qu'ils aient horreur de l'ordre, comme les *anarchistes* mais parce qu'il s croient un gouvernement peu nécessaire pour établir l'ordre (...). »

¹²⁰ Ibid. Translation: '...unite the interest of the citizens to such an extent, to enlighten the spirits

Roederer compares this to a hushing sound right before a play, capable of silencing all people in one go, or the moment in church when all fall to their knees at the same time for prayer, without anyone telling them to do so.¹²¹ Roederer did not believe in the existence of such spontaneous sociability. Roederer rejected the Aristotelian, naturalistic notion of human being as a ζῷον πολιτικόν, denying the existence of a 'bienveillance universelle' but rather conceived of sociability as grounded in needs and self-interest.¹²² He believed that in doing so, he was working in the tradition of both Helvétius, the philosopher appearing in the *Entretien*, and Adam Smith. In the *Cours* Roederer argues that Helvétius' ideas on personal interest were next to interchangeable with Smith's principle of 'sympathy'.¹²³ The only difference was that, captured in a little analogy by Roederer, following Helvétius' conception of personal interest, you would bring diner to your neighbor, on the condition that your neighbor would take diner to you. On the basis of Smith's 'sympathy' you would bring diner to your neighbor on the condition that you could sit at table with them.¹²⁴ The trick of Roederer's *Science de mœurs* was to tie this self-interested sociability to the common interest (see next section), and by doing so, make sure all these personal appetites would no longer rule unchecked.

Even though Roederer took a stance against the existence of spontaneous sociability, he did see the reduction of government and politics, maybe even the very extreme on the political-philosophical spectrum that I have commented on in the above, that is, the absence of government, as an ideal. This is revealed in a telling passage, coming right after the diner-analogy, in which Roederer says that everyone would have to agree on one thing:

[C]'est que plus on peut réduire le gouvernement sans nuire à l'ordre

so much about the advantages of this union, that the society exists by the sole force of the association itself (...).'

¹²¹ Ibid, 181.

¹²² Ibid, 186.

¹²³ About the first one Roederer says: « C'est par le sentiment de l'intérêt personnel que nous agissons bien ou mal », and about the second one: « le sentiment qui nous identifie plus ou moins avec les affections de nos semblables » In fact his reading of Smith is not the most correct one you could encounter in the late 18th century, but that is beside the point for the argument he is making. For more information of the reception on Smith in 18th century France: Scurr, Ruth, "Inequality and political stability from Ancien Régime to revolution: The exception of Adam Smith's Theory of Moral Sentiments in France", *History of European Ideas* 35 (2009): 441-449.

¹²⁴ Roederer, "Cours d'Organisation", 190.

*social, et mieux l'ordre social est garanti.*¹²⁵

Thus, the perfect kind of social order, for Roederer, would be a social order in which government was no longer required. It would be anything but extravagant to call Roederer's ideas in this respect – a human sociability grounded in self-interest, the praiseworthy pursuit of happiness and pleasure, the restriction of government – 'liberal', even though this word did not yet bear meaning at the time in which Roederer expressed these thoughts. Roederer's case, in this instance, makes for a very compelling one in gauging the connection between modern Republicanism and the assemblage of ideas the 19th century would come to designate as 'liberalism'.

Of course Roederer knew that an extensive diminution of governmental power was by no means attainable yet. On the contrary, at the moment of writing, he believed that rather a stronger, independent executive arm was needed to serve as counterweight to the demagoguery of the legislative branch and to crush the related upheavals and violence of the mob. It was therefore of the essence to clearly define what the executive was, and where the powers of the legislative branch ceased to exist:

*J'observe au reste que pour une bonne organisation de gouvernement il n'est pas moins important de marquer le point où le législateur devient administrateur, et où sa fonction cesse, que de marquer le point où commence cette même fonction.*¹²⁶

The Constituent Assembly had made the mistake of not clearly defining these boundaries. Even though 'the means of carrying out most of the laws' should be guided by 'the regulations made by administrators [i.e. those in executive functions], a power they bear that no one can contest', in practice France witnessed a confusion of powers, with the legislative branch appropriating most

¹²⁵ Ibid, 181. Translation: 'It is that the more one can reduce the government without harming the social order, the better the social order is guaranteed.'

¹²⁶ Ibid, 261. Translation: 'I observe furthermore that for a good organization of government it is no less important to mark the point where the legislator becomes administrator, and where his function ceases, as it is important to mark the point where this same function starts.'

of the power.¹²⁷ Roederer makes this point at several occasions throughout the lecture courses, but rarely goes further than that. He does not make explicit what a government with a stronger executive branch would precisely look like, or for that matter, as we can infer from the *Entretien*, what type of government this would have to be. Toward the end of the *Cours* he does, however, hint that there were important implications for political representation.

In the light of all political violence, and his subsequent calls for a stronger executive force, it was difficult for Roederer to still defend with confidence a very inclusionary mode of representation as he had done for the previous period. Did Roederer still believe that men with some form of mobile property, that is, almost all men, were to have an explicit right to political representation? In both the *Entretien* and the *Cours* Roederer is rather ambiguous about this. It is very likely that he is equivocal about the matter because he had gotten second thoughts on the inclusionary character of the representation outlined in *De la Députation*, but saying so too openly was not the most sensible thing to do. As he touches upon the matter in the last three of his lecture courses, outside the walls of the *lycée* the political climate had grown increasingly threatening, with the Committees of Surveillance and Public Safety being set up, an increasing number of officials getting lifted from their beds every night, the war with other European nations spinning out of control, and insurrections paralyzing several French cities. Being very well aware of this, Roederer chooses his words carefully, and in doing so he makes, just like he does in the *Entretien*, a move toward Sieyès and consequently manages to speak his own words through his kindred spirit.

‘While the Constituent Assembly propagated the incorrect maxim that the *pouvoir constituant* comprises all powers, Sieyès and his friends [had] stated a completely opposite one,’ so Roederer argues.¹²⁸ Subsequently, he elaborates on the concepts of *pouvoir constituant* and *pouvoir constituée* (in these particular times the latter could also be called *pouvoir révolutionnaire*), the distinctions of

¹²⁷ Ibid. Original text: « Les moyens d'exécution de la plupart des lois administratives exigent des règlements que les administrateurs font, et qu'on ne leur conteste pas la faculté de faire. »

¹²⁸ Ibid, 262. Original text : « Pendant qu'on répétait à l'Assemblée constituante la fausse maxime que le pouvoir constituant renfermait tous les pouvoirs, Sieyès en énonçait constamment une tout opposée avec ses amis. »

power made by Sieyès, something which made for one of the most central elements in his political thought. Sieyès argued that the nation, as a separate entity, needed a representative for itself as well as a legislature that would be representative of its individuals. The point was to unify the individual (interests) with the collective (interest), without the two encroaching upon each other. This mode of representation was directly opposed to what Sieyès called the *Ré-totale*, a system in which the individual and the collective became fully interchangeable entities and which he ascribed to the ideas of Robespierre.¹²⁹ Here, Roederer's ideas are almost identical to those of Sieyès. Roederer says that his own 'particular opinion on this subject would boil down to the following propositions':

*La souveraineté ne peut pas être représentée parce qu'elle ne peut pas être aliénée (...).*¹³⁰

With sovereignty, Roederer means (just like Sieyès did) the *pouvoir constituant*, an inalienable form of representation which symbolized the nation itself, something 'embracing all times', 'the application of human intelligence to the social order, demonstrating this order to men without seeing or touching them.'¹³¹ On the other hand, *pouvoir constituée* denoted the government, and was of temporary character. 'The two powers have to watch each other', Roederer continues, the difference being that the *pouvoir constituée* did so 'with open eyes, the other one with the eyes closed.'¹³² Roederer gives this abstract explanation, an explanation befitting the abstract nature of the concept itself, without mentioning what it really meant for the inclusiveness of political representation.

¹²⁹ In his unpublished 1792 piece *Contre la Ré-totale* Sieyès states that « La chose publique n'est point, et ne peut jamais devenir la propriété d'un individu, d'une famille, ou d'une classe particulière; c'est la chose commune de tous; elle est inaliénable. » In a *Ré-totale* (as opposed to a *Ré-publique*) this inalienable right was shattered. Later Sieyès would compare this system to that of Lycurgus' Sparta, who had wanted to create one state in the most literal meaning of the word: one, unified state without differences between the individual and the collective.

¹³⁰ Roederer, "Cours d'Organisation", 260. Original text first part: « Mon opinion particulière sur ce sujet se réduit aux proposition suivantes. » Translation second part: 'Sovereignty cannot be represented [by the people] because it cannot be alienated.'

¹³¹ Ibid, 262 Original text: «...le deuxième doit embrasser tous les temps (...), l'intelligence humaine appliquée aux principes de l'ordre social, et indiquant cet ordre aux hommes sans les voir et sans les toucher. »

¹³² Ibid.

What is very clear, however, is that he aligns himself with Sieyès' political-philosophical ideas on representative government. Considering that Sieyès, on the basis of these ideas, definitely saw less space for the multitudes in the political theatre than Roederer had done in the previous period, we can infer that also Roederer had decided to narrow down his own conception of representation. He would extensively flesh out his ideas on this matter in the next period. For now, his thoughts on the passions of the human inner world had priority.

2.4 Hierarchy of the passions

How could Roederer, with his *Science des moeurs*, theoretically unite such – at first sight – incompatible ingredients as the common good; self-interested multitudes; and the lack of both government and spontaneous sociability? In other words: how would a society, naturally driven by passions and *jouissances*, be prevented from riding straight into the abyss, the very place to which Robespierre and his bogeymen were currently leading the way? For one thing, the absence of spontaneous sociability meant that people's passions, the engine of human action, would need to be manipulated so as to truly work in favor of the public good. This did not mean that personal interests had had to be brought in line with the common interest so as to destruct the variety between individual interests and make the common interest fully interchangeable with individual interests (as in the system that Sieyès called '*Ré-totale*'); it rather meant that all individual personal interests that existed, would, in its rich variety, somehow need to be made conducive to the common good. In devising a method toward this purpose, Roederer views society and government as a 'machine, made of people, of which every piece is a person or an aggregation of people'.¹³³ One had to know man, and his inner world, to understand the machinery of society, just like one could only repair a real machine by knowing its separate components. Every particle of society could be subjected to scrutiny, also society's moral elements. Having established this, wholly in line with Sieyès' 'social mechanics'-approach, in the *Cours* Roederer sets out to precisely define all the separate particles that defined human action and thus, the search for *jouissances*, in a

¹³³ Ibid, 131.

complicated inner world driven by the passions:

*Nous avons à faire l'analyse des éléments moraux de la société. Nous entendons par ces mots : les principes des actions humains, les motifs qui font agir les hommes, les besoins, les intérêts, les passions qui les déterminent.*¹³⁴

Roederer puts all these separate moral elements into a hierarchy. Human action, on top, originated in human *volontés*, made up by people's needs and interests. These needs and interest were, one step lower, determined by the passions. Passions could be split into 'moral passions' and 'physical passions'. The former were the source of mental interests and needs, the latter the origin of physical interests and needs. On the lowest level of this dissection of the inner being stood sensations, or sensual perceptions, which translated external stimuli, outside of the body, to passions of the inner world.¹³⁵ Within this hierarchy, it was especially the passions, and to some extent, the sensations, that needed to be addressed so as to reach a system in which self-interest could be tied to the common interest. This would be achieved through a 'graduation of the passions' or 'the art of directing and coordinating the passions.'¹³⁶

By gaining a precise understanding of the human passions, their origin, their intensity and duration, what they could cause, and their relationship to the other moral elements in the hierarchy that led up to human action, it was possible 'to arrange them in order, and put them, so to speak, in battle with each other.'¹³⁷ This would be the right starting point in 'taking possession of human action at its root, even before it exists.'¹³⁸ Thus, in this inner battle, passions leading to virtuous human behavior, most of the times the moral passions, had to be dominant over these leading to vices, mainly the physical passions. The

¹³⁴ Ibid, 180. Translation: 'We have to make an analysis of the *moral elements* of society. We mean by these words: the *principles of human action*, the motives that make people act, the *needs*, the *interests*, the *passions* that determine them.' Reversed italics appear as italics in original text.

¹³⁵ The explanation appears in pp. 180–208 of "Cours d'Organisation".

¹³⁶ Ibid, 194. From the French word *graduation*, meaning at once 'ordering' and 'putting in hierarchy'.

¹³⁷ Ibid, 181 Original text : « ...j'ai voulu les arranger par ordre, les disposer pour ainsi dire en bataille.... »

¹³⁸ Ibid, 185. Original full quote: « Connaissant bien, distinguant avec précision l'origine des passions, leur tendance, leur ressort, la faculté qui les dirige, le principe de leur intensité et de leur durée, on peut prendre pour ainsi dire possession des action ... »

legislator had to play a role in this, making sure that it did not give passage to anything but useful and virtuous behavior springing from *la volonté*, that is, the lawgiver had to make sure that even before human actions materialized, the passions giving rise to it were ‘killed on their way [to action] if they displease us’ and given ‘free passage if they do not offend us.’¹³⁹

Roederer thought that it was possible to have people explicitly couple human passions to certain characteristics or properties that determined their usefulness - properties that could serve, so to speak, as a moral anchor. Oftentimes, one passion, such as ‘love of glory’ could lead to different outcomes in different contexts. For example, it was possible for people to associate ‘love of glory’ with virtuosity, but also with might and tyranny. For this specific passion to have any use to society, education would have to induce people to make the first, rather than the latter connection. According to Roederer, properties such as ‘power, wealth, and consideration, are nothing but nets that gather [the passions], the reservoir that holds them, the fence that encloses them.’¹⁴⁰ Within these reservoirs, passions had to be connected to the right kind of properties, and as a consequence ‘graduated’:

*Donnez à la considération seule ce qui appartient aux richesses et au pouvoir, ou attachez les pouvoirs et la richesse à la considération seule, et vous ferez de l’amour de la considération la vertu dominante, la seule passion morale des citoyens.*¹⁴¹

In a similar vein, Roederer states that – extending a quote earlier on in the *Cours* (and again radiating his concern for *industrie*) - the love of wealth could, on its own, by no means be seen as a principle of inequality:

¹³⁹ Ibid. Original text : « Le Législateur peut en quelque sorte ne laisser sortir de la volonté que des action utiles et vertueuses. » Full original quote of the second part: « ...nous nous bornions à attendre, pour ainsi dire, les passions à leur sortie de la volonté humaine, pour les *fusiller* au passage si elles nous déplaisent, pour leur assurer une libre sortie si elles ne nous offensent pas. »

¹⁴⁰ Ibid, 205. Original text : « Le pouvoir, la richesse, la considération, sont des filets qui les rassemblent, le réservoir qui les retient, la barrière qui les entoure, etc. »

¹⁴¹ Ibid. Translation: ‘Attach to thoughtfulness alone that which belongs to wealth and power, or attach power and wealth to thoughtfulness alone, and you will make love of thoughtfulness the dominant virtue, the only moral passion of the citizens.’

*Il y a plus, l'amour des richesses tend de lui-même à la modestie. Il suffit de ne pas l'en détourner, et pour cela de ne point ouvrir à l'ostentation, à la vanité, aux rangs, à la naissance, des sources de fortune, et en laissant au contraire ouvertes et libers celles qui appartiennent au travail et aux talents.*¹⁴²

If a profound understanding would be achieved of the workings of men's inner world, the right civil laws, institutions and, especially, educational measures could inculcate all individuals with the right kind of *moeurs*, making sure that the right kind of passions would be excited in the right context, and the right kind of passions would be coupled to the right kind of properties. Through education people would not only be taught to direct and control their own passions; education itself would give rise to a better understanding of the passions, better institutions through which this renewed knowledge could be taught, and eventually a better body of civil laws for the country.¹⁴³

Toward the very end of the explanation of his *Science des Moeurs*, Roederer even suggests that it would be possible to manipulate the lowest level in the hierarchy of human action: the sensations. Through a somewhat cumbersome digression, Roederer argues that through different forms of art (painting, sculpture and music) people's perceptions of the outer world could be influenced. As sensations worked their way up through the hierarchy of the inner world (running from sensations, through the passions and *volontés*, to human action), it logically followed that influencing them, meant influencing interests and needs, and with that, human action. Thus, so Roederer speaks in a philosophical tone, in such instances 'it would be very easy to place the *jouissances* to which interests have given rise, at the very end of the road where the public good calls on the assistance of its citizens.'¹⁴⁴ That is to say, if the

¹⁴² Ibid, 203. Translation: 'Even more so, the love of wealth can itself tend toward modesty. It will suffice not to divert [this passion] from [this property], and for it not to be opened to ostentation, to vanity, to ranks, to birth, to the wells of fortune, but on the contrary, leave open and free those that appertain to work and talent.'

¹⁴³ Ibid, 206.

¹⁴⁴ Ibid. Full original passage: « Puisque la sensibilité est le principe de l'intérêt, et que l'intérêt est le mobile des actions humaines ; puisque pour diriger l'intérêt il est très-simple de placer les jouissances auxquelles tend intérêt, à l'extrémité de la carrière où le bien public appelle le concours des citoyens, de même pour graduer ce mobile il est tout simple d'agir accessoirement et subsidiairement sur la sensibilité même (...). »

primary source of all human action could be manipulated (this also held true for the passions, standing one step above the 'source' or lowest level), people's (self-interested) search for *jouissances* could truly become an endeavor favoring the public good, these *jouissances* henceforth standing at 'the very end of the road', on the horizon, the place where the public good resided.

2.5 In conclusion

Roederer's own experiences in the political disturbances of 1792-1794 had a lasting impact on his way of thinking. This does not mean that, after he had taken the royal family out of the Tuileries Palace to guide it toward the very Assembly whose members suspended the Monarchy, he suddenly denounced all ideas he had displayed in the period 1786-1792. In fact, the destination of the road toward which his developing theory bent - a moral-political theory whose contours were becoming clearer during this period - remained the same. It was the unavoidable destination of modern commercial society, with property and *industrie* still as its pavement. Roederer understood, however, that the road was more wobbly than he had foreseen before 10 August 1792. Probably partially as a response to this awareness, the language he used to counter the language of classical Republicanism became at once fiercer and more sophisticated. Just as he had done in the first period of his revolutionary career, he sought to expose the indulgence in 'historic reasoning' as futile. As he had rejected the worldview of the Physiocrats earlier on, now he aimed his rhetorical arrows at the *niveleurs*, whose ideas he claimed to be even worse for modern society. And just like he had borrowed elements from Physiocratic discourse with which he subsequently attacked the Physiocrats themselves, in this period again he appropriated elements from others' language, this time with the intention of attacking the *niveleurs*. The *Entretien* is the best example of Roederer appropriating language from others; after all, in the work he has other philosophers speak for him, at times directly invoking their works, and thus borrowing their language in a discussion of which he is the director, a discussion in which the reader runs the risk of forgetting that it is all Roederer's own carefully chosen words rather than those of the philosophers themselves. The fact that Sieyès gets the last word in the philosophical debate indicates that Roederer uses Sieyès as the man through

which he could speak his own words. Certainly the way Roederer made use of Sieyès' approach of *science de l'art social* and the concepts of *pouvoir constituant* and *pouvoir constituée* for his own *Science des moeurs* and in reconsidering the shapes of political representation, indicates that Sieyès had become more to Roederer than just an apt intellectual. He had become a kindred spirit, maybe even an intellectual mentor.

Roederer's ideas on political representation constituted a change of thought to the preceding period. Even though his enveloping theoretical aims, and the language with which he defended it, had remained the same, his views on how modern commercial society was to materialize on the political level, through representative-government, had changed as a consequence of his realization - through his personal experiences - that not all men could bear sufficient responsibilities yet for his opinions to be given expression in the political polis. Nowhere in the *Cours* or *Entretien*, nor in other works predating Thermidor 1794, does Roederer make this stance explicit. But his usage of Sieyès in sketchily outlining his desired form of representation, suggest that the political realm had become a much less inclusionary one in his mind. It seems that, as the Revolution radicalized, Roederer's sought to 'de-radicalize' his own ideas on political representation.

The most important new element of Roederer's political theory saw light with his *Science des moeurs*. His somewhat paternalistic desire to educate the multitude in behaving uprightly, his ambitious aim to scientifically study and manipulate people's passions and sensations, and his idealistic desire to see the nation's lawgiver to follow suit, can also be connected to Roederer's revolutionary experiences that had taught him that the search for *jouissances* would need to be directed one way or the other. Maybe his development of a *Science des moeurs* was also a desperate, last attempt to prevent the country from falling into the Terror. Yet, as he taught his lecture courses, the tumble had already been set in motion, maybe already during the times of the Constituent Assembly, as he himself contemplated, when the deputies had failed to clearly define and establish a strong executive. In an ideal society, instructed in the principles of the *Science des moeurs*, government could become ever more

redundant, and human actions would predominantly live in harmony with the common good, but this was not attainable at the moment.

The liberal aims of Roederer's *Science des moeurs* were, apart from renewing and creative, in some respects very naïve. Roederer did not deal with the question of how the lawgiver was going to decide what could be understood as desirable human behavior, in which the people had to be educated, to begin with. No matter how many appeals a lawgiver would make to a natural, pre-ordained order of things, in the end such a decision would always be a normative one. Thus, it would be very important to first have a legislature that itself acted in accordance with the common good. And of course, for the country to have such a legislature, it would be important to know on what principles of representation this lawgiver could legitimately set the moral compass of the country in the name of the people. And thus we are back with the issue of political representation. It is an issue Roederer busied himself with more actively during the last revolutionary period. In this undertaking, the graduation of the passions, as theorized in his *Science des moeurs*, would get a longer and more important political life than one might expect on the face of it.

PERIOD 3: BREAKING NEW GROUND (1794 - 1800)

3.1 Roederer coping with the trauma

After France released itself from Robespierre's blood-soaked reign, Roederer found himself – as did many others with him at the time – pondering what had gone wrong. To a large extent, so he believed, he had already provided an answer to this question even before Robespierre managed to rise to the precipice of Terror. The fact that France did, in the end, truly slide into the Terror, was for Roederer no more than a confirmation of his long-expressed fears. Consequently, during the third period of his revolutionary-intellectual career, the Reign of Terror became, in Roederer's mind, the nadir in a larger chain of events that had started around the time he was *procureur-général-syndic*, a chain that would only grow longer if the country would not soon create a proper Constitution for itself, based on the right moral principles. Within this mental chain, The Reign of Terror became a period in whose light Roederer would come to judge many of the upcoming political developments.

After the fall of Robespierre, Roederer actively turned to journalism, attempting to make an impact on public opinion through *Le Journal de Paris* and *Journal d'Économie Publique*, journals in which he heavily commented upon, and criticized, the politics of the post-Thermidorian Convention and the Directory. In 1795, he repeatedly repudiated the plans that the so-called Commission of Seven and Commission of Eleven developed for a new Constitution. On the basis of his sustained critique, the Commission invited Roederer (together with, amongst others, Sieyès) to share his ideas in their quest.¹⁴⁵ It soon became clear to him, however, that the Commission could not be persuaded to follow his (nor Sieyès') ideas and eventually a new Constitution was approved by the Convention, with simultaneous fierce disapproval of Roederer. After that, he was soon again proven right in his belief (so he thought) that something was fundamentally

¹⁴⁵ The Commission of Seven got extended to eleven members on 23 April 1795 and was charged with writing up a new Constitution for the country. Sieyès sat in the Commission of Seven, and for a couple of days in the Commission of Eleven, but then forcibly withdrew himself after a law appeared that decreed against the Commission-members practicing certain other political functions at the same time. The fact that Roederer was called upon, in response to his sustained critique, is paradoxical to Roederer's claim in his memoirs that at one point (without giving a specification of time) he ran the serious risk of being exiled from France due to his criticism, had not his friend Talleyrand, ever apt in playing the political game, come to the rescue.

flawed about the socio-political system that many others saw fit for the country. He interpreted the conspiracy of Babeuf and his 'Equals', the consecutive *fructidor*, *floréal* and *prairial* coup d'états, and the ongoing state of unrest throughout the country, as the truth of several of his own beliefs, thus making a great many of his revolutionary experiences part of a kind of mental chain that constantly served to confirm his own ideas.¹⁴⁶ The exact contours of those ideas were not yet clear in the second period of his revolutionary career (1792-1794), lacking a fully-fledged political dimension in the form of a system of representative-government into which his other (by then already far-developed) ideas on *l'homme d'industrie*, property, the human inner-world, and the like, would fit. With his decision to bring Napoleon to power toward the end of 1799, he could finally put his by now more crystallized political thought to the test, and attempt to put his own ideas on representative government, which he had been developing more seriously from Thermidor onwards, into practice.

The tenor of Roederer's criticism of the Directory-Constitution was that it led to a confusion of powers between and within the legislative and executive branches, resulting in an overly weak executive. To those who called his assaults on the Constitution (and the people preparing it) 'exaggerated', he eagerly brought to mind the horrible political theater the country had witnessed in 1793 and 1794. 'So the picture that I sketch looks exaggerated to you!' he vociferates in one of his articles:

*C'est votre histoire, c'est l'histoire du gouvernement des décemvirs de 93; c'est celle de tout pouvoir exécutif uni au pouvoir législatif et exercé par plusieurs chefs; ce sera donc la votre si on vous donne un gouvernement dont le sort soit de dépendre de quelques orateurs ambitieux du Corps législatif.*¹⁴⁷

This passage from one of Roederer's articles is indicative of the important place the Terror held in his memory. After the fall of Robespierre, Roederer – again in

¹⁴⁶ Coups respectively on 4 September 1797, 11 May 1798, 18 June 1799.

¹⁴⁷ Roederer, Pierre-Louis, "Du Gouvernement" [1795], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 7 (Paris 1853-1859), 38. Translation: 'It is your history, it is the history of the government of the Decemviri of 93; it is there where all executive power was united with legislative power and exercised by various chiefs; it will be yours if [the Commission of Eleven] gives you a government of the sort that depends on some power-hungry orators within the legislative body.'

hiding around 9 Thermidor - was the first to write a long, coherent piece that sought to analytically examine the nature of the Terror. Apart from that, he wrote a portrait of Robespierre, according to Forsyth 'the first attempt at a psychological and pathological interpretation' of his career.¹⁴⁸ Both works are a good illustration of Roederer's attempts to explicitly attach Robespierre and the Terror to the, according to Roederer, repugnant political system, discourse, and mode of thinking that originating in classical Republicanism. The works juxtapose this classical Republicanism to his own *Science des moeurs*, by now a key element of his moral-political theory and his own modern Republicanism. The most defining feature of the Terror was, according to Roederer, the arbitrariness with which it victimized people:

*Quand l'arbitraire a frappé une fois, il faut qu'il frappe toujours. S'il s'arrête un moment, la stupeur cesse, le courage renaît, le besoin de vengeance se joint à l'intérêt de la sûreté, et la tyrannie peut être renversée.*¹⁴⁹

A defining feature of classical Republicanism (as outlined by Baker) was the way it explosively combined the Enlightenment notion of constant progress with the classical Republican notion of constant crises. Roederer's depiction of the Terror as a constant affair of arbitrary strikes could be seen as an explosive combination of these two notions. Roederer's anti-classical Republican language against Robespierre is furthermore apparent in the psychological portrait he wrote of the 'The Incorruptible'. In the piece, Roederer turns Robespierre's evocation of classical times and models back on Robespierre himself, but instead of speaking of classical antiquity in applauding terms, he rather uses derogatory classical examples to portray the man. Robespierre had not been 'a Sulla, nor a Catiline' and not even a Nero, who 'died as a coward, but at least he had been an audacious gladiator.' Roederer continues his rant by stating that Robespierre

¹⁴⁸Forsyth, Murray, "Introduction", in Pierre Louis Roederer (Murray Forsyth ed.), *The Spirit of the Revolution of 1789* (Vermont 1989), 127. Forsyth also points out that Roederer's piece on the Terror was later read out in the Convention by Tallien. This is somewhat ironic, because Tallien had been the one leading the attack on the Tuileries Palace in the summer of 1792.

¹⁴⁹Roederer, Pierre-Louis, "De la Terreur" [1794], In A.M. Roederer (ed), *Oeuvres du Comte P.L. Roederer*, Vol. 3 (Paris 1853-1859), 61. Translation: 'When arbitrariness has hit one time, it must keep on hitting. If it stops for a moment, the stupor ceases, courage is reborn, the need for vengeance joins with the interest of surety, and tyranny can be overturned.'

was ‘neither dictator, nor emperor, neither king, nor protector, neither triumvir, nor tribune’ but he looked more like ‘the Appius of the Decemviri’, concluding that ‘history will say very little about this monster.’¹⁵⁰ Even in classical times, so the message reads, Robespierre would have been a worthless fraud, who would have gone into history as someone that, just like Appius, had tried to usurp power to his own benefit, ultimately failed due to a lack of talent, and took many others with him in his fall. But this was not all. Roederer also portrays ‘The Incorruptible’ as someone who did not know how to ‘graduate’ his passions – a pivotal lesson of the *Science des moeurs*:

*Robespierre ne ressentit jamais que les passions subalternes qui procèdent de l'égoïsme, c'est-à-dire l'envie, la haine, la vengeance; et encore ces passions manquèrent-elles en lui du ressort du courage.*¹⁵¹

Roederer’s concerns with the moral elements of society were still very much present in the period 1794-1800, and so were his related concerns for the education of the people. In 1796 Roederer acquired a post at the National Institute, where he taught a class in moral and political sciences. This class was part of the Political-economics section of the Institute, of which also Sieyès was a member. Besides this, we could regard many of the articles that Roederer wrote in this period as a part of his ongoing desire to educate. His wish of instructing people in the graduation of the passions in some ways became even more ambitious in this period, as Roederer tried to extend the concept to the political realm, making it a key concept, as we will see further on in this chapter, of political representation. As there is not one single authoritative text that sets out his intellectual endeavors in this respect – to be expected from someone who kept on writing separate articles for his journals -, in this chapter I will mainly

¹⁵⁰ Thionville, Merlin de [Pierre Louis Roederer], *Merlin de Thionville, Representant du Peuple a ses Collègue: Portrait de Robespierre* (Paris 1794), 11. Original text : « Il ne fut ni un Sylla, ni un Catilina (...) pas même un Néron ; quoique Néron soit mort en [sic] lâche. Néron fut au moins hardi gladiateurs ! (...) On ne varie pas moins sur le titre politique qu'il convient de lui donner. Il ne fut ni dictateur, ni empereur, ni roi, ni protecteur, ni triumvir, ni tribun. Il fut l'Appius des décemvirs, (...) l'histoire dira peu de chose de ce monstre. » N.B. This work appeared under a pseudonym.

¹⁵¹ Thionville [Roederer], *Portrait*, 5. Translation: ‘Robespierre felt nothing but subordinate passions that spring from egoism, that is to say, envy, hatred, vengeance; yet even these passions in themselves lacked the spring of courage.’

turn to a selection of large articles by the hand of Roederer, which together reveal a significant progress when it comes to the political dimension of his revolutionary theory.¹⁵² This chapter then, seeks to demonstrate how Roederer, during the third period of his career, especially worked toward the completion of the political dimension of his revolutionary project, whose contours were now becoming ever clearer in its entirety. I will demonstrate that, in doing so, he kept on building on the theoretical elements he had already established – those of the industrial and moral dimensions of his revolutionary project – and while his political views had in several respects become different from those in the first period, in no previous period had his ideas on representative government been so coherent and elaborate.

3.2 The moral foundations of government

The Constitution of 1795, better known as the Constitution of the Year III, created a Directory of five members responsible for carrying out the laws, and a bicameral legislative, consisting of a Council of Elders which could approve or reject laws, and the Council of 500, which was burdened with the task of proposing laws.¹⁵³ Balance, that was the key word for the Commission drawing up the Constitution. Not a balance between different branches as in the *trias politica*-sense of the word, but rather as a balance between the three separate bodies, so that none of them could appropriate too much power on its own. A balance of power that reminded some contemporaries of the classical Aristotelian tripartite division of monarchy, aristocracy and democracy, corresponding to respectively the Directory, the Council of Elders, and the Council of 500.¹⁵⁴ In order to become a Director, one had to be chosen by the Council of Elders, which on its turn picked the right names from a list drawn up by the Council of 500, in a process that was to be repeated every single year. The

¹⁵² For this purpose I mainly study the works: “Du Gouvernement” (1795); “Constitution” (1795); “De l’Opinion de Sieyès” (1795); “Du Gouvernement Représentatif” (1799). Apart from that I will, for contextual purposes, examine the Constitutions of the Year III and the Year VIII and study other sections in the collected *Oeuvres* that deal with the concept of ‘graduated promotions’ (see section 3.4).

¹⁵³ Conseil-Constitutionnel, *Constitution du 5 Fructidor An III [1795]*. 2016. <http://bit.ly/1Uindwi> (accessed May 2016).

¹⁵⁴ Jainchill, *Reimagining Politics*, 26-61; Gueniffey, Patrice, *Le Nombre et la Raison: La Révolution française et les élections* (Paris 1993).

Directory, not carrying the right of a veto, did not have any role in the legislative process.

This Constitution was a favorite topic of complaint for Roederer in the articles he wrote preceding to and during the first years of the Directory. Roederer believed that the Commissions responsible for its creation had not learnt enough from the mistakes to which the Convention had fallen prey. Apart from the prerequisites it articulated for someone to be a true citizen (see section 3.4), it was especially the role the Constitution bestowed upon the executive branch that Roederer saw as potential source for trouble. In Roederer's commentaries, he uses the words 'government' and 'executive' interchangeably. In this Constitution, the weakness of government (i.e. the executive) was on a more fundamental level caused by the system lacking the right moral footing. *Du Gouvernement* (1795), Roederer's most extensive article on the Constitution of the Year III, written just before it was promulgated, explains what he meant by this.

The piece opens in a very outspoken fashion. 'We can say, in unequivocal terms, that the organization of the executive power in the plan of the Commission of Eleven appears to us defective and contrary to wise views,' so he states, further claiming that 'those who like anarchy' would greet the Constitution with utmost delight.¹⁵⁵ Within the executive force, various organizations were created that would busy themselves with separate tasks. Apart from the Directory there would be *agents généraux* and *administrations locales*, which would be responsible for, amongst others, the treasury and security. On the lower administrative levels, such posts within these separate executive organizations would be open to election. Roederer saw this as a big mistake. He rather argued that government should choose its own executors. Apart from elections to executive offices undoubtedly causing ongoing unrest all over the country, Roederer believed that this Constitution turned the executive into a completely fractured body, without clarity about who would be ultimately accountable for governmental actions. This was clearly visible in the fact that the Directory could get tried, on recommendation of the legislative bodies, for

¹⁵⁵ Roederer, "Du Gouvernement", 24. Original full text: « Nous dirons sans préliminaire et sans détour que l'organisation du pouvoir exécutif présentée dans le plan de la commission des Onze nous paraît défectueuse et contraire aux vues sage (...) Ceux qui aiment l'anarchie doivent ou vouloir que le projet proposé pour le pouvoir exécutif passe tel qu'il est (...) »

embezzlement of the treasury, whereas the Directors in fact did not hold any responsibility over the treasury themselves. Thus, if the Directory did not have 'in its hands neither the police, nor public force, nor money', it would logically follow that 'it is exposed to seeing all these turned against them.'¹⁵⁶ Since many executive offices were open to election, these could easily be swayed into action against government at the instigation of the legislature. Hence, in the end, an executive riddled of so many tasks and responsibilities and organized in such a fractured way - not having the 'right of absolute opposition, nor the right of a suspensive veto, nor the right to make an appeal to the people, nor the right to make an appeal to the legislature, nor the right to criticize, nor the right of representation, nor the right of examining' - would ultimately be forced into overthrowing itself:

*Il serait obligé de prêter sa voix aux au décret qui prononcerait sa destruction, et ses main à son propre déchirement.*¹⁵⁷

Just as in the *Entretien*, in *Du Gouvernement* Roederer analyzes 'the essential conditions for good government.'¹⁵⁸ This time around he comes up with a slightly adapted range of conditions and, most importantly, he is significantly less equivocal as to the question what type of government would best adhere to these conditions. During the period in which Roederer composed *Entretien des Plusieurs Philosophes Célèbres*, Roederer was cautious not to give a definitive answer to this question, indicating that the political dimension of his theory was still very much under construction at that point in time. Right now, in 1795, his thoughts on the matter had evolved far enough, as we will see, for him to show more confidence.

Before formulating an answer, Roederer lists the three conditions by which one could judge government: activity (*de l'activité*), that is, the

¹⁵⁶ Ibid, 25. Original text: « Et le Gouvernement n'ayant dans ses mains ni la police, ni la force, ni l'argent, il est exposé à voir tout cela contre lui. »

¹⁵⁷ Ibid, 31. Original text first part: « Le Directoire exécutif n'a pour aucune loi, pour aucun acte, ni le droit d'opposition absolu, ni le droit d'opposition suspensive, ni le droit d'appel au peuple, ni le droit d'appel à la législature, ni le droit de critique, ni le droit de représentation, ni le droit d'examen. » Translation second part: 'It would be obliged to lend its voice to the decree pronouncing its own destruction, and its hands to tearing itself apart.'

¹⁵⁸ Ibid, 26.

promptness with which government could respond to situations; strength (*de la force*); and righteousness (*de la rectitude*). Wholly in line with his expressed ideas up till then, he describes these three principles in relation to their capacity of protecting liberty and property. The most important conditions, strength and righteousness, were particularly redolent of his ideas on the moral elements of society. In the article, Roederer distinguishes between physical strength and moral strength. Without the latter the former could not exist. After all, as he had already demonstrated through his *Science de moeurs*, the moral world - consisting of a hierarchy running from the sensations through passions, and *volontés* - formed the basis of all human action, and thus it could also be seen as the basis of physical strength:

*Des muscles nerveux ne suffisent pas à un homme pour terrasser son ennemi ; il faut encore qu'une volonté énergique tire ses bras de l'inertie, les échauffe et les conduise.*¹⁵⁹

And then there was the third condition, that of righteousness. According to Roederer, government could only be said to act righteously if it abided by its own laws. But those could not just be any laws. The laws had to be based on the right knowledge of the moral elements of society, that is, on a *Science des moeurs*. Roederer believed that the system created by the Constitution of the Year III did not possess strength, nor righteousness. But to what kind of government would all three principles - with an emphasis on the last two moral ones - apply then? Roederer's answer is revealing:

*Comme la force est le caractère de la monarchie, la rectitude est le caractère de la république.*¹⁶⁰

Almost immediately after having made this Montesquieu-like distinction, Roederer states that wise citizens would 'want a republic organized in a way that

¹⁵⁹ Ibid, 27. Translation: 'The nervous muscles are not enough for a man to strike down his enemy; there must also be a energetic *volonté* that pulls their arms away from inertia, that warms them, and guides them.'

¹⁶⁰ Ibid, 28. Translation: 'Like strength is the main characteristic of the monarchy, righteousness is the main characteristic of the republic.'

unites within its executive strength with righteousness.¹⁶¹ Here Roederer clearly does not state the matter as ambiguously anymore as he had done in 1793, nor does he hide behind any philosopher to bring across his own view. The kind of government the country needed – the one with the right moral foundations – would be a monarchy and a republic at the same time. In other words, the type of government Roederer by this time conceived of as best capable in leading the country was a monarchical-republic.

3.3 A Republican king?

Roederer did not go so far as to argue for the reinstatement of a king. Apart from running the risk of losing his head if he really spoke in favor of such a thing, Roederer did not at all want to see the return of a king in the old sense of the word. What his monarchical-republic needed was someone standing above (but in some respects also outside) the political edifice. Since people acted on the basis of their *volontés* (consisting of needs and interests, and originating in the passions and sensations), it was important for an orderly conduct within society as a whole to somehow unite all these individual *volontés* to a *volonté collective*, the ‘gate’ to the public good. That line of reasoning neatly fits with Roederer’s *Science des mœurs* as put forward in the *Cours*. But in *Du Gouvernement* Roederer adds a more outspoken political ingredient to his ideas on the moral composition of society. ‘The energy of the [individual] *volonté* largely depends on the unity of the principle that determines it’, he declares.¹⁶² Since all human passions, the basis of the human *volonté*, were constantly in fight with each other, it would be very convenient to have one single person standing on the peak of the entire political system, through whom all different passions could be united, someone who symbolized the *volonté collective* of the nation, someone who personified, to put it in Sieyès’ terms, the *pouvoir constituant* of the country, someone representing the nation. ‘The more lines there are to unite inferior authorities to a central authority, the more lines there are to unite [these lower authorities] or

¹⁶¹ Ibid. Original full text : « Les citoyens éclairés qui fixent leurs regards sur le but auquel doit tendre tout gouvernement veulent une république organisée de manière à réunir dans son pouvoir exécutif la force avec la rectitude. »

¹⁶² Ibid, 27. Original text : « L’énergie de la volonté dépend en grande partie de l’unité du principe qui la détermine. »

their members with each other,' so Roederer concludes his line of thought, '[the more] the same passions and the same fights will extend from the center to the extremities of the executive power.'¹⁶³

What would such a political figure, symbolizing the *volonté collective* of the country, exactly look like? Roederer makes a few suggestions in the article – suggestions that would be further fleshed out in the years to come. The political leadership could, to begin with, not be similar to the presidency of the United States. Apart from the election cycles for such an executive post undoubtedly causing a great state of disturbance in a nation like France, the royalists would definitely try to put the Duc d'Orleans into the presidential office, subsequently abolishing the presidency and reinstating the monarchy. Roederer then sketches two hitherto unknown executive posts, both of which could make, according to him, for suitable offices standing at the apex of the entire political system. The leaders carrying the functions of these offices would respectively be known as *grand électeur-destituteur* and *grand procureur national*.¹⁶⁴ The first leader would safeguard unity between two or three governmental leaders, dismissing any of them when needed, so as to avert division. This 'censor' would be interested in 'putting justice into his dismissals and public spirit in his replacements', since he could run for re-election after three years (which was, as I will demonstrate in the next section, not to be decided through a general election). The *grand procureur national* would be a similar figure. He would be positioned above three directors of government, and he would have a 'deliberative and overriding voice in case of division' and apart from that he could 'prevent contradictory decisions and provoke necessary decisions.'¹⁶⁵ Yet, he would, just as the *grand électeur-destituteur*, not really be one of the governmental chiefs. He would rather be someone standing 'above' and 'outside' government, looking out over it, only stepping in when needed, like a lighthouse watching over ships, shining its beacon lights if they get lost in a fog or threaten to collide in a storm. Thus, it would be an 'above and outside' post in which

¹⁶³ Ibid, 38. Original full text: « Plus de liens qui unissent les autorités inférieures à une autorité centrale, plus de liens qui unissent celles-ci entre elles, ni leurs membres entre eux ; les mêmes passions, les mêmes combats s'étendent du centre aux extrémités du pouvoir exécutif. »

¹⁶⁴ Ibid, 44.

¹⁶⁵ Ibid.

resided not only 'the political guarantee' but, more importantly, the 'moral guarantee of the executive council.'¹⁶⁶

All this brings with it a peculiar paradox that was already apparent in period two of Roederer's career, but which revealed itself more clearly in period three. On the one hand, Roederer explicitly pushed for a stronger executive force. On the other hand, many of his beliefs bore the undeniable marks of early liberalism. This is the paradox Jainchill keenly seizes upon when calling Roederer a 'liberal-authoritarian'. According to this author, Roederer's liberal-authoritarianism was based on the liberal belief that everyone should have the liberty of pursuing his own interests, but that this liberty was best protected by a strong executive hand restricting all political activity.¹⁶⁷ While there might be some truth in this premise insofar that Roederer did indeed argue for a centralization and reinforcement of executive power, it does not seem to be the case that he held strong, or for that matter, authoritarian government as an ideal. Far from that – and maybe unexpectedly so, considering his calls for stronger government in *Du Gouvernement* - just like in *Cours d'Organisation Sociale*, in this article he still argues that the more one could restrict government without harming the social world, the better:

*Le Gouvernement n'est point une garantie immédiate de la liberté et de la propriété ; il n'en est, pour ainsi dire, que l'arrière-garantie ; ce sont les lois et les mœurs qui en sont les gardiennes principales, et le Gouvernement n'a pour objet que de venir à leur aide et de leur prêter son appui ; il doit donc leur être conforme.*¹⁶⁸

On the basis of this passage, in which Roederer argues that the responsibilities of government should ideally be reduced to a minimum, one would not have to look very long to find similarities between Roederer's ideas and the much later, 19th

¹⁶⁶ Ibid.

¹⁶⁷ Jainchill, *Reimagining Politics*, 199. It should be noted that Jainchill creates an altogether new paradox himself with his premise of liberal-authoritarianism. By claiming that, in a liberal-authoritarian paradigm, a strong executive hand seeks to restrict all political activity, he ignores the fact that the executive itself is also a political player and that, if it were attempting to 'restrict all political activity', by that very fact would be engaged in political activity itself.

¹⁶⁸ Ibid, 28. Translation: 'The Government is not at all the immediate guarantee of liberty and property; it rather is, so to speak, only their last guarantee; it is the laws and *moeurs* that are their principal guardians, and the Government has as its only objective to come to their aid and to lend them support [when needed]; it thus must be true to [these laws and *moeurs*].'

century, liberal concept of the night watchman state. Roederer clearly puts the social realm and the civil laws, based on a *Science des moeurs*, above government. A self-operating social realm, that was the ultimate goal society had to strive for. Roederer's point was that government should not constantly meddle in people's affairs, as would be the case in a truly authoritarian regime, but if it was needed to act, during moments of agitation, upheavals and disorder – moments all too common during the Revolution – it had to be able to act with conviction. Roederer was not afraid that the executive body of government, invested with a significant amount of power, would easily resort to power abuse. At least, not in the governmental system he was working on in his mind. Toward the end of the Revolution, he believed to have designed a representative-governmental system that would have a resolute government, but that would also prevent the monarchical-republic from usurping too much executive power; a monarchical-republic that could truly combine all the advantages of a republican type of government with the advantages of a monarchical type of government.

3.4 The pyramid of power

For this 'monarchical-republic' Roederer had a very intricate model of political representation in mind, and an important portion of his political thought during the last years of the French Revolution was devoted to the formation of this system. Who would have a right to the political polis in his envisioned representative-government? And how different were his ideas on this matter from those he had expressed just before and during the early stages of the Revolution? As shown in chapter 1, during the first period of his revolutionary-intellectual career, Roederer conceived of a very inclusionary mode of representation, viewing both suffrage and eligibility as an affair of almost the entire mature male population. These views were more inclusionary than the system on the basis of which the actual Estates General were formed (with very strict property qualifications for the deputies). In the previous chapter, I pointed out that, in the second period of his career, Roederer's views on representation probably grew less inclusionary, even though there is no direct proof of this in any text from that period, but rather indirect proof, considering that he made an intellectual move toward Sieyès. For the third period, the proof of Roederer

favoring a less inclusive mode of political representation, preferring political stability to inclusiveness, is more direct. Yet, also here, this desire does not reveal itself all too easily. From many of Roederer's post-Thermidorian articles one might get the impression that in this period, he in fact still held fast to a broad, inclusive political polis. One particular work, entitled *Constitution*, makes for a clear illustration on this matter. In the piece Roederer comments on a draft of the Constitution of the Year III. This draft proposed to restrict eligibility, and to some extent also the suffrage, to those in the possession of landed-property.¹⁶⁹

In *Constitution* Roederer mocks the volatility to which the notion of 'citizen' and the related 'right to representation' had been liable over the course of the Revolution, due to the political leadership of the country. 'Two years ago, through passions and fashion, they proclaimed, without distinction, all habitants of France to be French citizens', he states, but on the basis of such passions, 'today they would want to exclude ninety-nine percent of the citizens from the right of citizenship.'¹⁷⁰ Not even a year ago you could lose year head for claiming that people who did not even possess so much as a *cultotte* would have no right to the political polis; now all of a sudden you had to be in the possession of a domain to be considered a true citizen. The stable view on the question which inhabitants should enjoy the rights of citizenship and thus deserved to be politically represented - so the article reads - was his own, based on *his* conception property. Roederer gives an explanation of property that largely parallels the one in *De la Députation*. However, there is one subtle difference. To

¹⁶⁹ The actual Constitution of the Year III contained some (landed-)property qualifications for the electors of the so-called electoral assembly, who, on the second level of a two-tier system (starting in a primary assembly), were the ones to directly vote for representatives of the two legislative councils. To sit in the primary assembly, you had to be over 21, be able to read, pay direct personal taxes, or be able to pay a sum equaling a three days' wage. It is estimated that these criteria applied to 5,5 million out of a possible 8 million men. In other words: not a very exclusive number (in 1789 an estimated 4,5 million people could vote on the primary level). However, for someone to sit in the electoral assembly - chosen by people in the primary assembly - he had to be over 25, and own or rent a property worth 100 to 200 days of labor. This made only 600.000 people eligible, for a possible 30.000 actually carrying out the function of elector. The draft Constitution also contained property qualifications for those who wanted to sit in the Councils, but these restrictions were later dropped. The 'democratic' Constitution of 1793 did not contain any such prerequisites, but was never put into effect. For more information: Gueniffey, *Le Nombre et la Raison*; Manin, *The principles of representative government*.

¹⁷⁰ Roederer, Pierre Louis, "Constitution" [1795], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 6 (Paris 1853-1859), 96. Original text: « Il y deux ans, les passions et la mode avaient indistinctement proclamé citoyens français tous les habitants de la France. Aujourd'hui les passions et la mode voudraient exclure du droit de cité quatre-vingt-dix-neuf Français sur cent. »

the established twofold division of property (mobile and landed property), he now adds a new category: *propriété d'industrie*. To explain the differences between the three kinds of property, Roederer comes up with a short story, featuring three boys, who all receive an equal share of money to invest in something of their own choosing. The first one invests his money in a piece of land and a couple of buildings, which he decides to rent out. The second boy founds a shop and starts a trade in goods of all kinds. The third boy uses all his money for books and, after a long period of study, during which the other two boys set up bustling enterprises, he becomes a doctor. He does not have a fixed place to stay, nor any valuable belongings; he rather travels from place to place to practice his medicine. Then why should he be regarded as a proprietor? The answer was simple. The boy had invested a sum of money, giving rise to capital of some kind, just like the others. Even though the money was not transferred into any palpable good (yet), it had been the origin of his now educated brain and through his intellectual capital, he now cured people, and had a large, stable income. Thus, to reach this profession, or *industrie*, he had, just as one would in the *industrie manufacturière*, invested time and money, and with the resulting intellectual capital, he could now make his own money, with one big advantage over the two other boys. The income of the first boy would always be liable to price fluctuations of the land, the second boy could lose his capital if trade did not go well, but the third boy could not spend more money than he made, only being able to spend so much 'as the capital accumulated in his head.'¹⁷¹ Apart from this somewhat moralizing story (once again) showing that property, and modern commercial society in general, were still an important intellectual preoccupation for Roederer at this stage – he even bothered to slightly remold his conception of property – the story is indicative of the importance Roederer ascribed to education. An educated mind, so the moral of the story conveys, was the best investment for the future. Lastly, in line with the observation I have made in the above, the story might also give the impression that Roederer's views on political representation were still as inclusionary as those he had expressed almost a decade earlier – opening the political polis to all in the possession of *his* kind of property. Yet, the story belies the true nature of his

¹⁷¹ Ibid, 98.

stance on this matter. During the first revolutionary period, Roederer had argued that those who had the right to elect should also have the right to be elected. This is what made the difference between that period, and his stance on political representation in this one. In the system of representation he had come to develop, the right to be voted for, rather than the right to vote, was the bottleneck that made his envisaged form of political representation much more exclusionary than one would expect at face value. The system he had come to develop, making political representation a more exclusionary affair, worked on the principle of 'graduation'.

Just as the graduation of the passions had to make sure the best passions would come out on top, a system of 'graduated promotion' had to make sure that the best citizens would come out on top when it came to politically representing the people. The basics of the system were quite straightforward. If someone wanted to hold a certain political office, he would only be eligible if he had already served in an office one level below. This principle applied to every political office in the country, which Roederer ranked in a hierarchical order, running from a broad base, to a steep peak. The bottom of this pyramid comprised the municipalities. Above that stood, consecutively, the departmental and the national levels. Nearing the summit, one would first find the Council of 500, then the Council of Elders, and lastly the Directors, with a kind of leader (such as the *grand électeur-destituteur*) resting on the very top of the pyramid. This construction, in which one could only be elected to a certain level after having served on the level below, would prevent irresponsible legislators and administrators from ending up in the most important political offices, so Roederer believed; it was an assurance that the most capable, the best and brightest of the republic, would represent the nation in the most important functions. Roederer even went so far as proposing that the person(s) of the highest executive post choose members of lower administrative posts from lists provided by local electors. In this way, the highest executive, himself (or themselves) deserving of the administrative rank to which he had ascended,

could control the entire political edifice below him, so that decisions all over the country would be carried out without factional grumbling or delay.¹⁷²

It seems that, in designing this system, Roederer once again found inspiration with Sieyès. In *Cours d'Organisation Sociale* he already makes the suggestion, but right now, in one of his articles, Roederer openly states that Sieyès had heavily spurred his understanding of political representation:

*Grâce à lui, je conçois maintenant quel est le caractère conféré, soit à un individu, soit à un corps, par une élection médiate ou immédiate de la nation, pour une ou plusieurs des opérations nécessaires, soit à l'expression de la volonté de la nation, soit à l'exécution de cette volonté par le peuple entier.*¹⁷³

In 1791, in a correspondence with Thomas Paine on the nature of political representation, Sieyès had already said to be concerned with the manner in which the government would be 'crowned'.¹⁷⁴ Even though nowhere in the correspondence he explains how this word could be interpreted, it might well be that with the word 'crowning' he is alluding to the positioning of some kind of political leader, just like Roederer's *grand électeur* or *grand procureur*, on top of the political system. In the same correspondence, Sieyès claims (again without further elaboration) to be working on a model for a representative system that would 'unite all the advantages attributed to *hereditary* [government], without any of its inconveniences; and all the advantages of election, without its dangers.'¹⁷⁵ A statement that, with some contextualization, seems not too far removed from the monarchical-republic Roederer talks about in *Du Gouvernement*, a type of government uniting the advantages of the monarchy, with the advantages of the republic. Furthermore, as historian Michael Sonenscher

¹⁷² This account of Roederer's system of graduated promotion is largely based on a piece by his hand that appeared in 1797, shortly after the fructidor coup d'état: Roederer, Pierre Louis, "Du parti qu'il est possible de tirer des Événements du 18 fructidor pour la chose publique" [1797], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 6 (Paris, 1853-1859) 365-373.

¹⁷³ Roederer, Pierre-Louis, "De L'Opinion de Sieyès" [1795], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 6 (Paris 1853-1859), 104. Translation: "Thanks to him, I now understand which is the character conferred upon, either an individual, or upon a body, by a direct, or by an indirect election of the nation, for one or several necessary operations, either as the expression of the volonté of the nation, or as the execution of this volonté by *the entire people*." Reversed italics appear as italics in the original text.

¹⁷⁴ Sieyès, *Political Writings*, 169.

¹⁷⁵ *Ibid*, 170. Translation by Michael Sonenscher.

points out, this particular quote from Sieyès is almost identical to a passage in one of the works by Rousseau. In *Considerations on the Government of Poland* the *philosophe* talks about an elective aristocracy, which would combine ‘all the advantages of election with those of hereditary succession.’¹⁷⁶ In that very work, Rousseau advances a system that shows some striking similarities to the system of ‘graduated promotions’ as outlined by Roederer some twenty-five years later. Is it just a coincidence that Roederer came to develop a system of graduated promotions, reminiscent of a philosophical work that was read by Sieyès as source of inspiration in devising his model for representative government? Was Sieyès already working on such a system of graduation before Roederer? No matter what the answer to these questions might be, it is clear that Roederer and Sieyès stood in intellectual proximity to each other in devising their schemes of representative government and it is no surprise, then, that they actively worked together in the creation of the Constitution of the Year VIII, the Constitution that brought Napoleon Bonaparte to power.¹⁷⁷

3.5 A truly representative system

Two weeks before the official promulgation of the Constitution of the Year VIII, Roederer wrote an article both outlining its main elements and singing praise of the representative system it established. In this dense piece, entitled *Du Gouvernement Représentatif*, Roederer asserts that up till that moment in the Revolution, the country had not known a truly representative government:

Mais, entre nos trois Constitutions dites représentatives, aucune ne l'était-elle réellement?
- *Aucune.*¹⁷⁸

¹⁷⁶ Rousseau, Jean-Jacques, In Victor Gourevitch (ed.), *The Social Contract and Other Later Political Writings* (Cambridge 2013), 251. Translation by Victor Gourevitch.

¹⁷⁷ Margerison and Forsyth also note similarities between Sieyès’ and Roederer’s systems of representative government, but dare not to conclude in whom it originates. It is most probable that they reinforced each others’ ideas.

¹⁷⁸ Roederer, Pierre-Louis, “Du Gouvernement Représentatif” [1799], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 6 (Paris 1853-1859), 392. Translation: ‘But, of our three Constitutions that were said to be representative, none really was? – None.’

But that was about to change, with the Constitution of the Year VIII, a Constitution creating a new representative system that truly managed to break away from the inconveniences of the old systems:

*Nous verrons que le projet de la nouvelle Constitution remplit seul, entre les systèmes connus, les conditions requises pour constituer une représentation nationale, et offre les premières idées qu'on ait eues jusqu'à présent d'un vrai système représentatif, exempt et des horreurs de la démagogie, et des oppressions de l'aristocratie ; en un mot, conforme à l'intérêt de cette grande nation (...).*¹⁷⁹

Then what was so truly representative about the system that the new Constitution would bring into the world? To get a satisfactory answer to that question, Roederer argues that one should start by asking what would be the most free of governments. Would it be those where people only abided by the laws? No, Roederer argues, it would be the kind of government in which people only obeyed themselves. However, since a truly representative government was the kind of government where everyone contributed to making the laws one way or the other – after all in a truly representative government you would choose the people in which you held most confidence to draw up the country's laws *for* you – it logically followed that by abiding by the law, you would automatically abide by yourself. Thus, so Roederer concludes this rhetorical trick, one could rightfully say that 'obeying yourself is the privilege of the citizen under a representative government'.¹⁸⁰

Roederer argues that, so far, the country had been divided through factionalism and regionalism. A deputy to the national Assembly, elected in, say, the district of Bayonne, and a deputy elected for the district of Metz, would always be seen as direct representatives to the people who had directly elected them on the local level, that is, as representatives to the regional rank and file of respectively Bayonne and Metz. As such, they could not be true national

¹⁷⁹ Ibid, 393. Translation: 'We will see that the project of the new Constitution is the only one, of all known systems, to fulfill the required conditions to constitute a national representation, and offers the prime ideas that one has had up till today of a true representative system, exempt from the horrors of demagoguery, and the oppressions of aristocracy; in one word, in conformity with the interest of this great nation (...).'

¹⁸⁰ Ibid, 392. Original text: « J' avais donc raison de dire qu'obéir à soi-même est le privilège du citoyen sous le gouvernement représentative. »

representatives, as they would undoubtedly show less concern for the people from, say, Nantes. But what if the representatives from Bayonne and Metz would themselves choose a third, impartial ‘arbiter’? Then this man would at once represent both Bayonne and Metz. If this principle was even further extended a couple of times – for example, the arbiter for both Metz and Bayonne, and the arbiter for both Nantes and Lyon, and so forth, for themselves choosing another arbiter representing them all in turn - in the end there could be a proper representation for the entire nation.¹⁸¹ This system, by Roederer explained in such wording, was tantamount to the mechanism of graduated promotion, and it was exactly the method of election established by the Constitution of the Year VIII.

The developed electoral procedure would start in the so-called local assemblies. The five million people allowed to vote on this level would, in the local assemblies draw up a so-called *liste de confiance*, or in Roederer’s preferred terminology, a list of *notables de communes*.¹⁸² This list would be composed of one tenth of their own number, thus resulting in a list of 500.000 notables of the communes. These notables would have to choose one tenth of their own number to create a list of 50.000 departmental notables, who on their turn would compose a list of national notables. On the highest departmental level, there would thus be 5000 eligible people (in the actual Constitution this number was slightly upped) for the highest offices. On every administrative level, public offices would be filled on the basis of the respective lists. For the offices on the highest level, this selection was to be made by the Senate-Guarantor. This deliberative body of eighty senior, lifetime appointed politicians, would fill the

¹⁸¹ Note the difference between ‘for’ the nation and ‘of’ the nation. The latter instance would denote the *pouvoir constituant*, the former the *pouvoir constituée*, a subtle but nevertheless important difference in the minds of Roederer and, of course, Sieyès.

¹⁸² In Roederer’s proposals the franchise would be open to those paying a tax worth at least three days of labor, the same precondition that had been in effect during the elections of 1789. It is estimated that this excluded about 40% of the mature male population from the franchise. The eventual Constitution established universal male suffrage on the lowest level, since the election system of graduated promotion was restrictive enough on its own. Jainchill uses the election qualification of the three days’ tax rule as proposed by Roederer to argue that Roederer wanted to heavily restrict political activity for the people. However, the proposed three days’ tax rule on itself is not what makes Roederer’s views exclusionary; it would still lead to a reasonably large franchise. What made his views exclusionary was not the right to vote, which he granted to a fairly large amount of people – it was rather the possibility of being voted for, the possibility of which grew narrower on every new level of this pyramid-shaped system.

legislature (consisting of a 'legislative body' that could vote for laws and a 'tribunate' that could discuss the laws, written by the council of state) on the basis of the list of national notables.¹⁸³

The Senate-Guarantor makes for the crux that yielded this system of representation much more exclusionary than one might notice at first glance. Neither Roederer's article, nor the Constitution of the Year VIII, seriously deal with the question as to how the first ever Senate-Guarantor would be elected. The Constitution mentions (article 16) that the Senate would choose its own members, on the basis of proposed names by the legislature and the first consul. Roederer says the following about the composition of this constitutional body in his article:

*Un corps de quatre-vingts à cent membres constitués représentant de la nation, soit par une élection compétente, soit par l'acquiescement de la nation, seront chargés, sous le titre de conservateurs de choisir : 1. tous les membres appelés à l'exercice du pouvoir législatif ; 2. les trois chefs du pouvoir exécutif.*¹⁸⁴

So even though Roederer considers holding an election to this body, it might as well be composed through the 'acquiescence' of the people. And acquiescence of the people it became in the end, with a Constitution that mentions in one of its articles that 'the citizens Sieyès and Roger-Ducos, leaving consuls, are to be named members of the Senate-Guarantor.'¹⁸⁵ Together with the second and the third consuls of the new Constitution, they would fill the ranks of the entire body, and thus, they could indirectly control the composition of the entire legislature. Notwithstanding this slightly uncomfortable fact for Roederer, he nevertheless thought that the representative system of the Constitution of the Year VIII

¹⁸³ Conseil-Constitutionnel, *Constitution du 22 Frimaire An VIII [1799]*. 2016. <http://bit.ly/1ojEq9J> (accessed May 2016).

¹⁸⁴ Roederer, "Du Gouvernement Représentatif", 393-394. Translation: 'A body of eighty to a hundred members constituting representatives for the nation, either through a qualified election, or by the acquiescence of the nation, will be charged, under the title of guarantors to choose: 1. all the members called to exercise the legislative power; 2. the three chiefs of the executive power.' Reversed italics appear as italics in the original.

¹⁸⁵ Article 24 of the Constitution states the following: « Les citoyens Sieyès et Roger-Ducos, consuls sortants, sont nommés membres du Sénat conservateur : ils se réuniront avec le second et le troisième consuls nommés par la présente Constitution. Ces quatre citoyens nomment la majorité du Sénat, qui se complète ensuite lui-même, et procède aux élections qui lui sont confiées. » Note that Sieyès and Roger-Ducos had been consuls to the Directory before Napoleonic takeover.

carried many advantages over any previous system. Before this time, elections caused people to become extremely divided. In *Du Gouvernement Représentatif* he claims that, hitherto, during elections many people were ‘only concerned with two things: advancing themselves and destroying their contenders.’ But right now ‘all the functionaries [would] be *presented* by one or several sections from within the people’ and consequently ‘all the great officials [would] have a vested interest in the representation of the entire people.’¹⁸⁶ The system would quell unrests caused by people’s ambitions to rise to power for their own benefit, people that were likely to instate a demagogic regime. The gradualism of this elective system would rather make sure that the best people of the republic would come out on top, which in turn would have a positive influence on the wisdom of the laws. Lastly, Roederer argues that ‘henceforth all powers and duties will arise from the same source.’¹⁸⁷ This can be seen as a direct reference to his envisioned posts of a *grand électeur* or a *grand procureur*, standing on top of the pyramid and in whose hands all the lines of government would come together. This post Roederer saw fit for the first consul of the new republic. However, as I will point out further on, Napoleon in the end did not agree to a post that would be standing above but also ‘outside’ the political edifice. Rather than a guardian of the republic, he wanted to be someone actively taking charge.

Du Gouvernement Représentatif ends with a statement that goes to the very core of the entire, by now well-rounded, moral-political theory, or revolutionary project, of Pierre Louis Roederer. In developing his new, modern Republican system, suitable for modern commercial society, there were, broadly speaking, two worldviews, or systems, he had spoken out against. Firstly, it was the system of the Physiocrats, who believed all wealth to be attached to the lands. Roederer takes the clearest stance against them in *De la Députation*. Secondly, it was the system of the *niveleurs*, the group of people of whom Robespierre was the most obvious exponent, and a group whose claims were couched in the explosive language of classical Republicanism. Roederer takes the

¹⁸⁶ Roederer, “Du Gouvernement Représentatif”, 394. Original text: « On n’était occupé que de deux soins: celui de s’avancer et celui de nuire à ses concurrents. » and « Ainsi tous les fonctionnaires auront été *présentés* par une ou plusieurs sections du peuple, et tous les grands fonctionnaires auront été *investis* par la représentation du peuple entier. »

¹⁸⁷ Ibid.

clearest stance against them in the *Cours* and the two pieces on respectively The Terror and Robespierre. In this piece, composed right at the very end of the French Revolution, it seems that he makes a direct reference to both of these systems, claiming that his own, new system, certainly would have to be appealing to the proponents of the both systems he denounced, too. Just as in combining the advantages of a republic with those of a monarchy, while averting its inconveniences and dangers, it seems that Roederer here wants to make the point that this new representative system also seized on the advantages (insofar as there were any for the classical Republican system of the *niveleurs*) of these two systems, while avoiding its dangers:

*Enfin, ferons-nous remarquer que, par les élections graduelles, on remplit tout à la fois le vœu de ceux qui ne veulent voir aux grandes places que des propriétaires, et le vœu de ceux qui voudraient qu'on n'arrivât à une place que par une autre, et qu'on évite cependant les inconvénients innombrables attachés aux deux systèmes.*¹⁸⁸

His new representative-governmental system, 'exempt from both the horrors of demagoguery [(apparent in the system of the *niveleurs*)] and the oppression of aristocracy [(apparent in the system of the Physiocrats)]' broke away from the futility of historic reasoning of both outmoded systems, which he had attacked throughout his entire revolutionary career, and hence his own was the only one geared to modernity.¹⁸⁹

3.6 In Conclusion

In the end there was one big difference between the eventual Constitution of the Year VIII and the political system that Roederer had envisaged. Considering that his article *Du Gouvernement Représentatif* was published on the 9th of December 1799, and in the night of 12 December some last-minute adjustments were made to the draft Constitution, the article does not inform its readers on the fact that his wishes for a *grand-électeur* or *grand-procureur*-like office were in the end

¹⁸⁸ Ibid, 394. Translation: 'Finally, we remark that, through these gradual elections, we at once fulfill the wish of those who only want to see landed-proprietors in the great offices, and the wish of those who would want that people only get into an office at the cost of others, and [we remark] that we avoid at the same time the innumerable inconveniences attached to these two systems.'

¹⁸⁹ Ibid, 393.

overruled by Napoleon.¹⁹⁰ Roederer envisioned a first consul that, like the great elector, would watch over government, with the ability to appoint and dismiss consuls and ministers, but without directly governing it. This leader had to personify the very top of the political pyramid, as an incarnation of the *pouvoir consitutant*, that is, as the representative of the nation, and since people could not practice any executive right on their own accord, nor could this leader. But Napoleon was very dismissive of these ideas. As Roederer puts it in one of his memoirs at the very end of his life: ‘Bonaparte, imbued with monarchical instinct and with the premonition and [feeling of] necessity of sitting alone on the throne of supreme power, rejected this idea.’¹⁹¹ He wanted to be a first consul who really stood at the head of government, rather than above and outside it, and in the end the first consul would be endowed with much more executive power than Roederer (or Sieyès) had foreseen. The three consuls, under the lead of Napoleon, could propose laws and then decree separate regulations it considered to be necessary for their proper execution. The consulate also had the opportunity of passing emergency decrees, a possibility that Napoleon eagerly grabbed soon after he had risen to power. It all contributed to making the soon-to-be emperor more powerful than Louis XVI.

As Jainchill rightfully points out, under the reign of Napoleon, elections were more like an ‘electoral comedy.’¹⁹² However, it would be too simplistic to subsequently state without nuance that someone who played a very important role in bringing Napoleon to power would automatically need to be called authoritarian as well. Overseeing history, we now know of the things that happened under Napoleonic rule, which indeed makes the label ‘authoritarian’ for this regime more than suitable. Yet it is important to keep in mind that Roederer, in developing his ideas of representative government, stood before all these events. And even though it might be true that Roederer was somewhat naïve not foreseeing that Napoleon would come to usurp all governmental power (or maybe he just did not mind so much anyway, because he, unlike Sieyès,

¹⁹⁰ On this important night of 12-13 December, see Margerison, “P.L. Roederer”, 145.

¹⁹¹ Roederer, Pierre Louis, “Du Grand Électeur de Sieyès” [1835], In A.M. Roederer (ed.), *Oeuvres du Comte P.L. Roederer*, Vol. 7 (Paris, 1853-1859), 416. Original text: « Bonaparte, plein de l’instinct de la monarchie, du pressentiment et du besoin de s’asseoir seul sur le dais du pouvoir suprême, rejate cette idée. »

¹⁹² Jainchill, *Reimagining Politics*, 202.

would come to serve under Napoleon throughout his entire regime) it would be faulty to judge his entire range of (preceding) ideas on the things Napoleon had not done yet. With his notion of the *grand-électeur* and *grand-procureur*, Roederer had in fact tried to ward off the usurpation of power, not only by the legislative branch, but also the executive. Even though in retrospect this seems more than paradoxical - our visions blurred by the strict rule to which Napoleon later subjugated half of the continent - yet also during the third period of the French Revolution, Roederer's political convictions predominantly remained of liberal nature. He kept on believing that the more government (also with regard to the executive branch) could be limited without harm to the social realm, the better society would be equipped for the modern commercial world. Yet, if government had to act, in case of upheavals, often caused by demagogical troublemakers, it should have the rights means to be effective and strong. Napoleon's reign, then, was not at all in line with the concept of the *grand-électeur* or *grand-procureur*. While the pillars of Roederer's envisioned representative system were there in the final Constitution of the Year VIII - especially with the method of graduated promotion - it got a completely different rooftop, inevitably making it, as a whole, a completely different building.

Already quite a while before Napoleon's takeover, Roederer was working on a representative system that was to make the political polis much narrower than the political polis he had envisioned in the first period of his revolutionary career. This does not mean that in the third period, Roederer all of a sudden broke with all the earlier elements in his political theory. On the contrary: his thoughts on modern commercial society, with as important features *industrie*, property and liberty - already firmly established in the first period, were still explicitly with him at the close of the Revolution, just like his ideas on the moral composition of society, mainly created during the second period of his career. While he kept on repolishing these elements of his revolutionary theory along the way (as is indicated, for example, by the extra category he added to the concept of property in this period), their essence remained the same. The moral side of his developing theory served as an inspiration for the more outspoken political ideas of Roederer. This is not only revealed through Roederer's desire to find the right moral foundations of government, but also through his application

of the concept of 'graduating the passions' to political offices. He ordered the political offices in such a way that only the best people could reach the peak of the governmental pyramid.

Unlike the rather stable development of the industrial and moral dimensions of his theory, Roederer's ideas on how their concomitant theoretical elements could be fitted to a well-rounded political model were more moveable. As compared to the first period, in the last revolutionary period Roederer explicitly granted less space to the political polis for the people as a whole. It would go too far, however, to say that his moving ideas in this respected signaled a complete break with the preceding two periods. The matter of the fact is that, looking at the second, and to a larger extent, the first period of his revolutionary career, Roederer did not have so much to break away from to begin with; a complete, well-articulated system of representative-government, covering the political dimension of his moral-political theory, was simply not there yet before 1794. This makes it hard to compare his entire range of ideas on political representation from one period to the other; toward the end of the revolution these ideas were, albeit less inclusionary, much more elaborate and intricate than in the period running up to Thermidor. Thus, the political dimension of his revolutionary project moved and changed together with his experiences, but rather than unevenly bumping from one direction to the other, these political ideas grew over time, losing baggage underway, while picking up other luggage on the road toward 1800.

CONCLUSION

Over the course of this work, I have covered the three periods of Roederer's intellectual-revolutionary career, running from 1786 to 1800, revealing the key elements and origins of his revolutionary project, that is to say, the 'what', 'how' and 'why' of his revolutionary thinking and experiences. I have demonstrated that, by the end of the French Revolution, Pierre Louis Roederer had put together a coherent and complete moral-political theory that evolved around three broad dimensions: the industrial, the moral and the political. Roederer laid the groundwork of the first dimension right before, and during the early days of the Revolution. It amounted to a lasting worldview of modern commercial society, the inevitable rise of a new era. In advancing his ideas of the modern world, he redefined the notion of property, broadening it from the Physiocratic definition in which it only denoted the land, to a definition that included the 'the fruits' of the land. With this new definition of property, the largest group of property owners was now that of *l'homme d'industrie*, the hard-working man who invested time and money in his industry and by doing so, ignited the production of the land's yields, in turn stimulating activities in all kinds of economic sectors. It made him the symbolical figure of the new, modern commercial world, in which people sought to fulfill their needs for ever newer *jouissances*. Since the security of people depended on the guarantee that nobody could wantonly take away someone else's property - the source of *jouissances* and subsistence - someone could only feel truly free if his property was safe. With this line of reasoning Roederer made liberty directly dependent on property. But at this point, his theory was not complete yet.

In the second period of his career, Roederer enriched his thought on modern commercial society with a system of the human inner-world, which directly sprang from his notion of *jouissances*. In order to make sure that people's self-interested search for mental and physical pleasures would truly work in favor of the common good of the nation, the moral components of society had to be properly understood and on the basis of this understanding, civil laws, institutions, and education could be adapted accordingly. Ultimately, through this understanding, human passions and sensations could be manipulated, so

that only virtuous behavior would emanate from the very passions that steered people onto the path of pleasure. This moral system of society, shaped through a *Science des moeurs*, would have to fit with the proper kind of political system, resting on the bedrock of modern commercial society. Hence, in the third period of his career, Roederer finalized the political dimension of his revolutionary project, envisioning a representative system of government that would unite the best qualities of a monarchy with the best qualities of a modern republic. Building on his *Science des moeurs*, he believed that modern government should have the proper moral foundations, and in line with his method of graduating the passions, he now put forward a representative system that worked in a similar, hierarchical way – a graduation of promotions – making sure that only France’s best and wisest citizens would get a place in the highest ranks of the pyramid of power.

In answering how Roederer came to this moral-political theory, it has become clear that his personal experiences prior to, and during the Revolution were of utmost importance. The theoretical elements he developed in the first period of his intellectual-revolutionary career can be connected to his ownership of a modern glass manufacture and his roots in the foreign province of *Trois-Évêchés*, that was, because of its positioning close to the border, burdened with a complex system of customs and taxes, which Roederer wanted to reform. The development of his *Science des moeurs* can be directly related to his personal experiences as *procureur-général-syndic* of the Paris department, a function that made him realize how uncontrollable the mobs were and how little power the executive offices had on the basis of the newly established Constitution. Especially his personal role in the protection of the king on 10 August 1792 was a significant reality check for Roederer. More and more, he started to realize that the multitudes were not yet ready to freely follow their personal interests, at least, not without some proper guidance and education. After his lecture courses at the Parisian *lycée*, this concern for education would become a lasting feature of Roederer’s career, illustrated by him becoming a professor at the National Institute and an active post-Thermidorian journalist; guises through which he attempted to convince people of his views. Hereby he got much inspiration from both Condorcet and Sieyès, who believed that social processes could be studied

in a scientific manner. Especially the latter significantly contributed to Roederer's intellectual experiences during the Revolution. The Reign of Terror and the instability of the Directory, which constituted an indelible part of a chain of events that continuously confirmed to Roederer his own belief that France did not have the right political system with the proper moral foundations, made him move closer to Sieyès' ideas on representation and his 'science of the social art'. But apart from Sieyès' thinking, Roederer was familiar with many of the early modern and Enlightenment philosophers - Adam Smith, Helvétius, Condillac, Rousseau, Montesquieu, Locke, Hobbes, and Voltaire, to name but a few - many of whom he used in positioning his own arguments and behind whom he could occasionally hide if the political climate did not allow him to publish his views too openly.

Considering that Roederer advanced his theory in the midst of such a tempestuous decade, practicing politics while theorizing it simultaneously, the question as to what were the changes and continuities in his thought (and why they came about) is a particularly compelling one in his case. I have demonstrated that, throughout the three periods, the theoretical elements related to modern commercial society (these of the industrial dimension) remained very stable. Roederer somewhat extended his views on property during the third period of his career, but this extension deepened his theory rather than altering it. Modern commercial society was for Roederer, so to speak, at once the starting point and the destination of his theory. He devised all other theoretical elements with a view to reaching the ideal modern commercial society, but the road toward this destination was full of pitfalls and blockades - more than he had expected before the Revolution spinning out of control - so his others ideas had to follow suit. The moral dimension of his theory is a good example of how Roederer sought to cope with the perils on the road toward modernity. Thus, responding to the reality of his day, in the second period Roederer devised his ideas on the sensations, passions, and *volontés*. Also these remained very stable up till 1800. On the contrary, Roederer's political thinking changed quite considerably between the first and last period. Yet, it was only in the third period that he came up with a truly elaborate system of representative government, before that time not being sure where to look for an appropriate

system of government into which the other elements of his theory would neatly fit. Already in the second period, Roederer argued for a stronger executive, and already back then he probably had some rough contours of a representative system in mind, but it would only be after the fall of Robespierre that he dared to speak in favor of a monarchical-republic and a system of graduated promotions. If we were to hold Roederer's political thought of the third period and his political thinking of the first period right next to each other, we would be presented with a very contrasting picture. This would also make for a skewed picture, however, since it would not show all the experiences of the man in between those two periods and, on top of that, it would not take into account the fact that his political thinking in the last period was very elaborate, whereas in the first period it was rather meager.

The 'delay' of giving the political dimension of his revolutionary theory more serious thought might spring from Roederer's belief that the social world was dominant over the political world, hence choosing to give the former, in the first instance, some more priority in his intellectual endeavors. It also suggests that for Roederer, there was a difference between a civil society (open to many) and a political society (open to a few) - while connected, they also existed alongside each other. That is not to say that the political dimension constituted a separate theory from the moral and industrial dimensions of his thinking. In the end, all the theoretical elements tied into each other, something of which the similarities between the concepts of the 'graduation of the passions' and 'graduated promotions' are a clear example. With a representative system built on the basis of this pyramid-shaped concept, one could say that Roederer developed the institutional pathways toward the creation of a new kind of aristocracy. After all, he explicitly referred to the people who would be eligible on each level of administration as 'notables'.¹⁹³ Even so, Roederer would not have believed this to be an ancien régime type of aristocracy, defined through property and descent, but rather one on the basis of merit. Here the question arises as to how Roederer believed such a new system of social and political distinction could be prevented from falling back into old regime practices. It is

¹⁹³ Roederer's interest in creating a new, informal kind of social and political mechanism of distinction is further confirmed by the fact that he was the one that, shortly after the French Revolution, initiated the legislation creating the Legion of Honor.

not extravagant to believe that it would only be a matter of time before such a new notability, no matter how many merits, talents and wisdom, would become institutionalized and *ipso facto* a truly new aristocracy with privileges. Moreover, it is to be asked how Roederer, through his desire to represent everyone through his representative system, actually managed to represent *anyone*. With all direct links to participation and election severed in this pyramid-shaped system, it is hard to imagine how it could have given the population the feeling that the politicians on the national level would truly act on their behalf. It was very much a system of politics in the name of the people, but not by the people and hence, it would be difficult to imagine such a representative system not to die of apathy. Whether it would have, we do not know, since it would not take long for Napoleon Bonaparte to undermine the system and usurp all power.

Roederer developed the foregoing ideas in constant opposition to classical Republicanism. He believed that Robespierre and his bogeymen were the fiercest advocates of this type of political discourse that sang praise of classical times, its material equality, self-sacrifice, and constant vigilance - principles they saw fit for the new kind of society the French Revolution had to create. Roederer believed such indulgence in the past to be ridiculous and harmful. By juxtaposing his own theory to such allegedly outmoded worldviews and systems, Roederer emphasized its outspoken modern nature. As I have shown, he did not only do so after Thermidor, but he was already concerned with this even before the Revolution was underway. He was indeed very good at shaping his own ideas through the rejection of others (while at times craftily appropriating elements from them for his own purposes), something that is most clearly revealed through his criticism of the Physiocrats on the one hand, and the *niveleurs* on the other. The expropriation measures the *niveleurs* proposed, couched in the language of classical Republicanism, went against everything that Roederer believed in. While Roederer held fast to the belief that someone's capabilities rather than his ancestry should determine to which societal or political rank he could rise, by no means did he accept the classical Republican notion of material equality. He wished to see equality before the law, but he did not at all mind to see actual inequality in France's socio-economic composition. If a man saw someone else in the possession of more wealth than himself this could

only do so much as stimulate him to acquire a similar kind of wealth, or even more luxury than the other. 'An unequal distribution of riches, I just say "unequal" and I am far from saying an extreme inequality', so Roederer argues in the *Cours*, 'is a principle of *jouissances*, not only for the rich, but even for the poor.'¹⁹⁴ Altogether, with Roederer's own conception of equality, and the newly defined term of property, the tripartite motto '*liberté, égalité, propriété*' would have made a more appropriate one for the modern commercial society he envisioned.

It is not hard to see the traits of modern Republicanism in all this. Roederer's belief that representative government was superior to direct political participation, his extolment of commerce and luxury, and his conception of the social world as one of heterogeneity, are all outspoken features of modern Republicanism. At the same time, we cannot deny the liberal character of Roederer's moral-political theory. His ideal of reducing government as far as possible, his view of humans as self-interested beings in pursuit of pleasure, and his denial of the existence of universal benevolence all suit 19th century liberalism rather well. In this respect we might be tempted to conceive of Roederer, who developed his theory long before the term 'liberalism' would come in vogue, as a 'proto-liberal'. Not surprisingly, then, it is possible to establish an intellectual, liberal network to which Roederer holds at least an indirect relation – and possibly, a more direct one than we might expect at first glance. During the Revolution, Roederer frequently visited and corresponded with a person today mainly remembered as an exponent of French liberalism: Germaine de Staël. She on her turn maintained close ties with the liberal Benjamin Constant. Moreover, Jean-Baptiste Say, the French economist who would gain renown for his economic liberalism in the 19th century, used Roederer's conceptualization of *industrie* as important backdrop in the creation of his own work, and historian Richard Whatmore even speculates that it might well be the case that he visited Roederer's lecture courses at the Parisian *lycée* in

¹⁹⁴ Roederer, "Cours d'Organisation", 147. Original text: « Un répartition inégale des richesses, je dis simplement inégale, et je suis loin de parler d'une extrême (...) est un principe de jouissance, non- seulement pour les riches, mais même pour les pauvres. »

1793.¹⁹⁵ What made Roederer's thought different from that of Constant and Staël, however, is that the latter two rejected the existence of an enlightened self-interest.¹⁹⁶ Constant spoke out against Helvétius' principle of *'l'intérêt bien entendu'* as moral guide, whereas Roederer, as I have pointed out, rather eagerly seized on this principle of Helvétius as well as Smith's principle of sympathy, in showing that human sociability was grounded in needs and self-interest. For Roederer, his *Science des mœurs* was the method of making sure that self-interest could be brought in line with moral behavior. His aim of educating the people in this science in some respects symbolizes Roederer's place between the Enlightenment, with its confidence in progress and the capacity of society to use reason, and liberalism, with its confidence in modern commerce and economy.

Roederer's case thus makes for a very compelling and useful one in exploring the relationships between Republicanism and liberalism, an area of increasing historical interest.¹⁹⁷ Andreas Kalyvas and Ira Katznelson, two scholars involved in the debate evolving around this area, argue that 'liberalism was incubated within classical republicanism.'¹⁹⁸ The case of Roederer clearly suggests the opposite. He developed his modern Republicanism as a fierce rejection of classical Republicanism. And rather than his modern Republicanism gradually making way for the worldview of liberalism, the two coexisted. For Roederer, then, the relationship between modern Republicanism and liberalism did not bear any obvious contradistinction; they were rather two sides of the same coin. At the same time, it should be noted that Roederer's liberal thinking coexisted – paradoxically so – with his calls for a significant increase of executive governmental power. This paradox has led Jainchill to call Roederer a liberal-authoritarian. However, Jainchill seems to be making the mistake of looking at Roederer's revolutionary project through a Napoleonic lens, that is, in the wrong chronological order. Why Roederer – unlike Sieyès - kept on serving Napoleon is

¹⁹⁵ Whatmore, *Republicanism and the French Revolution*.

¹⁹⁶ Fink, Beatrice C., "Benjamin Constant on Equality", *Journal of the History of Ideas* 33, no. 2 (1972): 307-314.

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e.g. Jennings, Jeremy, *Revolution and the Republic: A History of Political Thought in France since the Eighteenth Century* (Oxford 2011); Isaac, Joel, "Republicanism: A European Inheritance?", *European Journal of Social Theory* 8, no. 73 (2005): 73-86.

¹⁹⁸ Kalyvas, Andreas, and Ira Katznelson, "The Republic of the Moderns: Paine's and Madison's Novel Liberalism", *Polity* 38, no. 4 (2006), 453.

a question worthwhile investigating as a follow-up to this research project, but it should not prevent us from judging Roederer's ideas before 1800 on their own merit. These ideas did not bear any ideal of authoritarianism; they rather bore the mark of a man heavily shaken, if not traumatized, by some of the Revolution's events, someone who wanted to have a solid guarantee, through a reinforced executive, that France would not have to go through another Reign of Terror. Roederer's calls for a stronger executive did not mean government should constantly meddle in people's affairs. On the contrary, the less it would have to do so, the better society showed itself to be truly ready for the destination of a truly modern world. But until society would be fully capable of controlling its passions and appetites, through as *Science des moeurs*, if it were needed for government to act, it should do so with firm conviction.

All in all, Pierre Louis Roederer's theory has the potential of taking a useful place, as shown in the above, in many historians' debates surrounding the French Revolution. This indicates that he was a thinker to be reckoned with. But for him to be taken seriously in his own right, it is important for historical scholarship to acknowledge the existence of a coherent moral-political theory to begin with. There definitely was some idiosyncrasy to Roederer's views. His combined activities and background in manufacturing industry, philosophy, journalism, and politics made him a bit of an oddity even for contemporary beholders. This is vividly captured by Bonaparte's interaction with Roederer who, when somewhat awkwardly looking for something to converse about with the latter, would simply ask: 'how is metaphysics going?'¹⁹⁹ Together with the fact that there is not one, single, authoritative text outlining his entire revolutionary project – after all, to a large extent he developed his theory in direct response to his experiences, making his theory an organic one – discovering the completeness of his thought is a challenging affair. Yet, not rarely (and oftentimes faultily) it is one single, key text that comes to define the entire 'political thought' of a historical figure. But thoughts are no solid entities: over time they can grow, change and waver, influenced by the direct circumstances of the time. The French Revolution was a laboratory in which the fusion of ideas could produce explosive reactions. Thus, Roederer could not separate his theory

¹⁹⁹ Roederer, "Notice de ma vie pour mes enfants", 278-279.

from direct experiences and nor can we, in interpreting it. The combination of intellectual theory with the unrelenting reality of practice – so clearly apparent in the case of Pierre Louis Roederer - is what gives theory its gravity. The field of intellectual history should therefore attempt to more frequently study the two in close proximity to each other.

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