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THE ORIGINS OF CONTEMPORARY FRANCE

THE
MODERN RÉGIME

BY

HIPPOLYTE ADOLPHE TAINE, D.C.L., OXON.,

AUTHOR OF "A HISTORY OF ENGLISH LITERATURE,"
"NOTES ON ENGLAND," ETC.

TRANSLATED BY

JOHN DURAND

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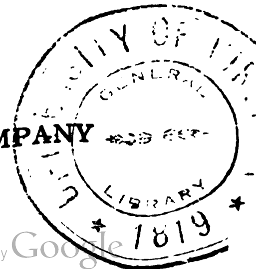
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I.

WHAT is the service which the public power renders to the public?—The principal one is the protection of the community against the foreigner, and of private individuals against each other.—Evidently, to do this, it must *in all cases* be provided with indispensable means, namely: diplomats, an army, a fleet, arsenals, civil and criminal courts, prisons, a police, taxation and tax-collectors, a hierarchy of agents and local supervisors, who, each in his place and attending to his special duty, will co-operate in securing the desired effect.—Evidently, again, to apply all these instruments, the public power must have, *according to the case*, this or that form or constitution, this or that degree of impulse and energy; according to the nature and gravity of external or internal danger, it is proper that it should be concentrated or divided, emancipated from control or under control, authoritative or liberal. No indignation need be cherished beforehand against its mechan-

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ism, whatever this may be. Properly speaking, it is a vast engine in the human community like any given industrial machine in a factory, or any set of organs belonging to the living body. If the work cannot be done without the engine, let us accept the engine and its structure: whoever wants the end wants the means. All we can ask is that the means shall be adapted to the end; in other terms, that the myriads of large or small local or central pieces shall be determined, adjusted, and co-ordinated in view of the final and total effect to which they co-operate nearly or remotely.

But, whether simple or compound, every engine which does any work is subject to one condition; the better it is suited to any distinct purpose the less it is suited to other purposes; as its perfection increases, so does its application become limited.—Accordingly, if there are two distinct instruments applied to two distinct objects, the more perfect they are, each of its kind, the more do their domains become circumscribed and opposed to each other; as one of them becomes more capable of doing its own work it becomes more incapable of doing the work of the other; finally, neither can take the place of the other, and this is true whatever the instrument may be, mechanical, physiological, or social.

At the very lowest grade of human industry the savage possesses but one tool; with his cutting or pointed bit of stone he kills, breaks, splits, bores, saws, and carves; the same instrument suffices, in the main, for all sorts of services. After this come the lance, the hatchet, the hammer, the punch, the saw, the knife, each adapted to a distinct purpose and less efficacious outside of that purpose: one cannot saw well with a knife, and one cuts badly with a saw. Later, highly-perfected engines appear, and, wholly special, the sewing-machine and the typewriter: it is impossible to sew with the typewriter or write with the sewing-machine.—In like manner, when at the lowest round of the organic ladder the animal is simply a shapeless jelly, homogeneous and viscous, all parts of it are equally suited to all functions; the amœba, indifferently and by all the cells of its body, can walk, seize, swallow, digest, breathe, and circulate all its fluids, expel its waste, and prop-

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agate its species. A little higher up, in the fresh-water polyp, the internal sac which digests and the outer skin which serves to envelop it can, if absolutely necessary, change their functions; if you turn the animal inside out like a glove it continues to live; its skin, become internal, fulfils the office of a stomach; its stomach, become external, fulfils the office of an envelope. But, the higher we ascend, the more do the organs, complicated by the division and subdivision of labor, diverge, each to its own side, and refuse to take each other's place. The heart, with the mammal, is only good for impelling the blood, while the lungs only furnish the blood with oxygen; one cannot possibly do the work of the other; between the two domains the special structure of the former and the special structure of the latter interpose an impassable barrier.—In like manner, finally, at the very bottom of the social scale—lower down than the Andamans and the Fuegians—we find a primitive stage of humanity in which society consists wholly of a herd. In this herd there is no distinct association in view of a distinct purpose; there is not even a family—no permanent tie between male and female; there is simply a contact of the sexes. Gradually, in this herd of individuals, all equal and all alike, particular groups define themselves, take shape, and separate: we see appearing more and more precise relationships, more and more distinct habitations, more and more hereditary homesteads, fishing, hunting, and war groups, and small workshops; if the people is a conquering people, castes establish themselves. At length, we find in this expanded and solidly-organized social body provinces, communes, churches, hospitals, schools, corporate bodies and associations of every species and dimension, temporary or permanent, voluntary or involuntary, in brief, a multitude of social engines constructed out of human beings who, on account of personal interest, habit, and constraint, or through inclination, conscience, and generosity, co-operate according to a public or tacit statute in effecting in the material or spiritual order of things this or that determinate undertaking: in France, to-day, there are, besides the State, eighty-six departments, thirty-six thousand communes, four church bodies,

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forty thousand parishes, seven or eight millions of families, millions of agricultural, industrial, and commercial establishments, hundreds of institutions of science and art, thousands of educational and charitable institutions, benevolent and mutual-aid societies, and others for business or for pleasure by tens and hundreds of thousands, in short, innumerable associations of every kind, each with a purpose of its own, and, like a tool or a special organ, carrying out a distinct work.

Now, each of these associations so far as it is a tool or an organ is subject to a common law; the better it is in one direction, the more mediocre it is in other directions; its special competency constitutes its general incompetency. Hence, with a civilized people, no particular one can well supply the place of the others. "An academy of painting which should also be a bank would, in all probability, exhibit very bad pictures and discount very bad bills. A gas company which should also be an infant-school society would, we apprehend, light the streets ill and teach the children ill."[1] And the reason is that an instrument, whatever it may be, a mechanical tool, or physiological organ, or human association, is always a system of pieces whose effects converge to a given end; it matters little whether the pieces are bits of wood and metal, as in the tool, cells and fibres, as in the organ, souls and understandings, as in the association; the essential thing is the convergence of their effects; for the more convergent these effects, the more efficient is the instrument in the realization of its end. But, *through this convergence, it takes one direction exclusively and cannot take any other;* it cannot operate at once in two different senses; it cannot possibly turn to the right and at the same time turn to the left. If any social instrument devised for a special service is made to act addition-

1 Macaulay, "Essays: Gladstone on Church and State."—This principle, of capital importance and of remarkable fecundity, may be called *the principle of specialties.* Adam Smith first applied it to machines and to workmen. Macaulay extended it to human associations. Milne-Edwards applied it to the entire series of animal organs. Herbert Spencer largely develops it in connection with physiological organs and human societies in his "Principles of Biology" and "Principles of Sociology." I have attempted here to show the three parallel branches of its consequences, and, again, their common root, a constitutive and primordial property inherent in *every instrumentality.*

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ally for another, it will perform its own office badly as well as the one it usurps. Of the two works executed by it, the first injures the second and the second injures the first one. The end, ordinarily, is the sacrifice of one to the other, and, most frequently, the failure of both.

II.

Let us follow out the effects of this law when it is the public power which, beyond its principal and peculiar task, undertakes a different task and puts itself in the place of corporate bodies to do their work; when the State, not content with protecting the community and individuals against external or internal oppression, takes upon itself additionally the government of churches, education, or charity, the direction of art, science, and of commerical, agricultural, municipal, or domestic affairs.—Undoubtedly, it can intervene in all corporate bodies other than itself; it has both the right and the duty to interfere; it is bound to do this through its very office as defender of persons and property, to repress in these bodies spoliation and oppression, to compel in them the observance of the primordial statute, charter, or contract, to maintain in them the rights of each member fixed by this statute, to decide according to this statute all conflicts which may arise between administrators and the administrated, between directors and stockholders, between pastors and parishioners, between deceased founders and their living successors. In doing this, it affords them its tribunals, its constables, and its gendarmes, and it affords these to them only with full consent after having looked into and accepted the statute. This, too, is one of the obligations of its office: its mandate hinders it from placing the public power at the service of despoiling and oppressive enterprises; it is interdicted from authorizing a contract for prostitution or slavery, and above all, for the best of reasons, a society for brigandage and insurrections, an armed league, or ready to arm itself, against the community, or a part of the community, or against itself.—But, between this legitimate intervention which enables it to maintain rights, and the abusive interference by which it usurps rights, the limit is visible, and

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it oversteps this limit when, to its function of justiciary, it adds a second, that of *governing* or *supporting* another corporation. In this case two series of abuses unfold themselves; on the one side, the State acts contrary to its primary office, and, on the other, it discharges the duties of its superadded office badly.[1]

III.

For, in the first place, to govern another corporate body, for example the Church, the State at one time appoints its ecclesiastical heads, as under the old monarchy after the abolition of the Pragmatic Sanction by the Concordat of 1516; at another, as with the Constituent Assembly in 1791, without appointing its heads, it invents a new mode of appointment by imposing on the Church a discipline contrary to its spirit and even to its dogmas. Sometimes it goes further still and reduces a special body into a mere administrative branch, transforming its heads into revocable functionaries whose acts it orders and directs; such under the Empire as well as under the Restoration, were the mayor and common-councillors in a commune, and the professors and head-masters of the University. One step more and the invasion is complete: naturally, either through ambition or precaution, or through theory or prejudice, on undertaking a new service it is tempted to reserve to itself or delegate its monopoly. Before 1789 there existed one of these monopolies to the advantage of the Catholic Church, through the interdiction of other cults, also another to the advantage of each corporation of "*Arts et Métiers*," through the interdiction of free labor; after 1800, there existed one for the benefit of the University through all sorts of shackles and constraints imposed on the establishment and maintenance of private schools. —Now, through each of these constraints the State encroaches on the domain of the individual; the more extended its en-

1 *Cf.* "The Revolution," iii., book vi., ch. 2. The encroachments of the State and their effect on individuals is there treated. Here, the question is their effects on corporations. Read, on the same subject, "Gladstone on Church and State," by Macaulay, and "The Man versus the State," by Herbert Spencer, two essays in which the close reasoning and abundance of illustrations are admirable.

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croachments the more does it prey upon and reduce the circle of spontaneous initiation and of independent action, which constitute the true life of the individual; if, in conformity with the Jacobin programme, it pushes its interference to the end, it absorbs in itself all other lives;[1] henceforth, the community consists only of automata manœuvred from above, infinitely small residues of men, passive, multilated, and, so to say, dead souls; the State, instituted to preserve persons, has reduced them to nonentities.

The effect is the same with property when the State supports other organizations than its own. For, to maintain these, it has no other funds than those of the taxpayers; consequently, using its collectors, it takes the money out of their pockets; all, indiscriminately, willingly or not, pay supplementary taxes for supplementary services, whether this service benefits them or is repugnant to them. If I am a Protestant in a Catholic State, or a Catholic in a Protestant State, I pay for a religion which seems wrong to me and for a Church which seems to me mischievous. If I am a skeptic, a free-thinker, indifferent or hostile to positive religions in France, I pay to-day for the support of four cults which I regard as useless or pernicious. If I am a provincial or a peasant, I pay for maintaining an "Opéra" which I never attend and for a "Sèvres" and "Gobelins" of which I never see a vase or a piece of tapestry.—In times of tranquillity the extortion is covered up, but in troublous times it is nakedly apparent. Under the revolutionary government, bands of collectors armed with pikes made raids on villages as in conquered countries;[2] the cultivator, collared and kept down by blows from the butt end of a musket, sees his grain taken from his barn and his cattle from their stable; "all scampered off on the road to the town;" while around Paris, within a radius of forty leagues, the departments fasted in order that the capital might be fed. With gentler formalities, under a regular government, a similar extortion occurs when the State, employing a respectable collector in uniform, takes from our purse a crown

1 "The Revolution," iii., 346.
2 *Ibid.*, iii., 284.

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too much for an office outside of its competency. If, as with the Jacobin State, it claims all offices, it empties the purse entirely; instituted for the conservation of property, it confiscates the whole of it.—Thus, with property as with persons, when the public power proposes to itself another purpose than the preservation of these, not only does it overstep its mandate but it acts contrary to its mandate.

IV.

Let us consider the other series of abuses, and the way in which the State performs the service of the corporate bodies it supplants.

In the first place there is a chance that, sooner or later, it will shirk this work, for this new service is more or less costly, and, sooner or later, it seems too costly.—Undoubtedly the State has promised to defray expenses; sometimes even, like the Constituent and Legislative assemblies, the revenues for this having been confiscated, it has to furnish an equivalent; it is bound by contract to make good the local or special sources of revenue which it has appropriated or dried up, to furnish in exchange a supply of water from the grand central reservoir, the public treasury.—But if the water becomes low in this reservoir, if the taxes in arrears stop the regular supply, if a war happens to effect a large breach in it, if the prodigality and incapacity of the rulers multiply its fissures and leaks, there is no money on hand for accessory and secondary services; the State, which has adopted this service, drops it: we have seen under the Convention and the Directory how, having taken the property of all corporations, provinces, and communes, of institutions of education, art, and science, of churches, hospitals, and asylums, it performed their functions; how, after having been a despoiler and a robber, it became insolvent and bankrupt; how its usurpation and bankruptcy ruined and then destroyed all other services; how, through the double effect of its intervention and desertion, it annihilated in France education, worship, and charity; why the streets in the towns were no longer lighted nor swept; why, in the provinces, roads went to decay, and dikes

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crumbled; why schools and churches stood empty or were closed; why, in the asylum and in the hospital, foundlings died for lack of milk, the infirm for lack of clothing and food, and the sick for lack of broth, medicines, and beds.[1]

In the second place, even when the State respects a service or provides the means for it, there is a chance that it will pervert this simply because it comes under its direction.—When rulers lay their hands on an institution it is almost always for the purpose of making something out of it for their own advantage and to its detriment: they render everything subordinate to their interests or theories, they put some essential piece or wheel out of shape or place; they derange its action and put the mechanism out of order; they make use of it as a fiscal, electoral, or doctrinal engine, as a reigning or sectarian instrument.—Such, in the eighteenth century, was the ecclesiastical staff with which we are familiar,[2] court bishops, drawing-room abbés imposed from above on their diocese or their abbey, non-residents, charged with functions which they do not fulfil, largely-paid idlers, parasites of the Church, and, besides all this, worldly, gallant, often unbelievers, strange leaders of a Christian clergy and which, one would say, were expressly selected to undermine Catholic faith in the minds of their flocks, or monastic discipline in their convents.—Such, in 1791,[3] is the new constitutional clergy, schismatic, excommunicated, interlopers, imposed on the orthodox majority to say masses which they deem sacrilegious and to administer sacraments which they refuse to accept.

In the last place, even when the rulers do not subordinate the interests of the institution to their passions, to their theories, or to their own interests, even when they avoid mutilating it and changing its nature, even when they loyally fulfil, and as well as they know how, the supererogatory mandate which they have adjudged to themselves, they infallibly fulfil it badly, at least worse than the special and spontaneous bodies for which they substitute themselves, for the structure

1 "The Revolution," iii., 353, 416.
2 "The Ancient Régime," 64, 65, 76, 77, 120, 121, 292.
3 "The Revolution," i., 177 and following pages.

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of these bodies and the structure of the state are different.—Unique of its kind, alone wielding the sword, acting from above and afar by authority and constraints, the State acts over the entire territory through uniform laws, through imperative and minute regulations, by a hierarchy of obedient functionaries, which it maintains under strict instructions. Hence, it is not adapted to business which, to be well done, needs springs and processes of another species. Its springs, wholly exterior, are insufficient, too weak to support and push undertakings which require an internal motor like private interest, local patriotism, family affections, scientific curiosity, charitable instincts, and religious faith. Its wholly mechanical processes, too rigid and too limited, cannot urge on enterprises which demand of whoever undertakes them delicate and safe handling, supple manipulation, appreciation of circumstances, ready adaptation of means to ends, constant contrivance, the initiative, and perfect independence. On this account the State is a poor head of a family, a poor commercial or agricultural leader, a bad distributor of labor and of subsistences, a bad regulator of production, exchanges, and consumption, a mediocre administrator of the province and the commune, an undiscerning philanthropist, an incompetent director of the fine arts, of science, of instruction, and of worship.[1] In all these offices its action is either dilatory or bungling, according to routine or oppressive, always expensive, of little effect and feeble in returns, and always beyond or apart from the real wants it pretends to satisfy. And because it starts from too high a point and extends over too vast a field. Transmitted by hierarchical procedures, it lags along in formalism, and loses itself in "red-tape." On attaining its end and object it applies the same programme to all territories alike—a programme devised beforehand in the Cabinet, all of a piece, without experimental groping and the necessary corrections ; a programme which, calculated approximatively according to the average and the customary, is not exactly suited to any particular case;

1 The essays of Herbert Spencer furnish examples for England under the title of "Over-legislation and Representative Government." Examples for France may be found in "Liberté du Travail," by Charles Dunoyer (1845). This work anticipates most of the ideas of Herbert Spencer, lacking only the physiological "illustrations."

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a programme which imposes its fixed uniformity on things instead of adjusting itself to their diversity and change; a sort of model coat, obligatory in pattern and stuff, which the government dispatches by thousands from the centre to the provinces, to be worn, willingly or not, by figures of all sizes and at all seasons.

V.

And much worse. Not only does the State do the work badly on a domain not its own, bunglingly, at greater cost, and with less fruit than spontaneous organizations, but, again, through the legal monopoly which it deems its prerogative, or through the overwhelming competition which it exercises, it kills or paralyzes these natural organizations or prevents their birth; and hence so many precious organs, which, absorbed, atropic or abortive, are lost to the great social body.—And still worse, if this system lasts, and continues to crush them out, the human community loses the faculty of reproducing them; entirely extirpated, they do not grow again; even their germ has perished. Individuals no longer know how to form associations, how to co-operate under their own impulses, through their own initiative, free of outside and superior constraint, all together and for a long time in view of a definite purpose, according to regular forms under freely-chosen chiefs, frankly accepted and faithfully followed. Mutual confidence, respect for the law, loyalty, voluntary subordination, foresight, moderation, patience, preseverance, practical good sense, every disposition of head and heart, without which no association of any kind is efficacious or even viable, have died out for lack of exercise. Henceforth spontaneous, pacific, and fruitful co-operation, as practised by a free people, is unattainable; men have arrived at social incapacity and, consequently, at political incapacity.—In fact, they no longer choose their own constitution or their own rulers; they put up with these, willingly or not, according as accident or usurpation furnishes them; the public power with them belongs to the man, the faction, or the party sufficiently unscrupulous, sufficiently daring, sufficiently violent, to seize and hold on to it by force, to

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make the most of it as an egotist or charlatan, aided by parades and prestiges, along with bravura songs and the usual din of ready-made phrases on the rights of man and on the public salvation.—This central power itself has nothing in its hands to receive impulsions but an impoverished, inert, or languid social body, solely capable of intermittent spasms or of artificial rigidity according to order, an organism deprived of its secondary organs, simplified to excess, of an inferior or degraded kind, a people no longer anything but an arithmetical sum of separate, juxtaposed units, in brief, human dust or mud.

This is what the intervention of the State leads to. There are laws in the social and moral world as in the physiological and physical world; we may misunderstand them, but we cannot elude them; they operate now against us, now for us, as we please, but always alike and without heeding us; it is for us to heed them; for the two conditions they couple together are inseparable; the moment the first appears the second inevitably follows.

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