
Conscription in the French Restoration: The 1818 Debate on Military Service

Thomas Hippler

The article analyses the parliamentary debate in the French Chambers of Deputies and of Peers on the Gouvion-Saint-Cyr law. Conscription having been abolished by the restoration, its re-establishment confronted the monarchy with ideological trouble, and the law gave rise to one of the most remarkable debates in French parliamentary history, because virtually all modern political ideologies – conservatism, liberalism, constitutional monarchism, republicanism – confronted each other in theoretically very elaborated speeches. The debate is thus both a summary of the revolutionary experience and a look towards the nineteenth century.

I

After the defeat of Napoleon, article 12 of the Constitutional Charter of 1814 stipulated that ‘conscription is abolished. The modalities of recruitment of the army are determined by the law’. Scarcely four years later, however, in March 1818 compulsory military service was re-established under a law named after the minister of war, Marshall Gouvion-Saint-Cyr. The passage of this law gave rise to one of the most remarkable debates in French parliamentary history, both in the Chamber of Deputies and in the Chamber of Peers. The question of military recruitment was linked to a whole set of more fundamental issues about the political order itself, and involved concerns about the nature of constitutional monarchy, about the content of citizenship and the rights and duties it implied, about the significance of political liberty and civic equality, and, even more fundamentally, about the very foundations of the social order and the structure of political power.

The overwhelming importance attached to military recruitment was linked to the concrete political situation of the restoration and, more particularly, to the memory of the revolution and the Napoleonic Empire. While it is undoubtedly true that the basic features of modern statecraft in France were shaped during that period, it is no less true that

the burden of military conscription had been one of the most tangible effects of the new institutional setting for very large sections of the population during the 25 years of revolutionary and imperial war. In the ten years between 1804 and 1814, between 2 000 000 and 2 400 000 Frenchmen were enlisted by conscription,¹ and many of them died or were injured.² The idea of compulsory military service was thus firmly linked in the contemporary mind to the idea of revolution and its Napoleonic continuation.³ It is true that the issue of mass military recruitment in the modern period has been essentially shaped by the revolutionary experience.⁴ In fact, the National Assembly had already examined the question in 1789 and affirmed that ‘for all types of government, the formation of the army is one of the most essential points of the constitution’.⁵ In 1790, however, the Assembly had voted down a proposal from extreme left-wing factions to require the entire male French population to enlist for temporary army service, arguing that it was the Assembly’s task to institutionalize political liberty and not to submit the citizens to ‘military slavery’.⁶ Thus, the Count of Liancourt declared he was ‘astonished to see that liberty is invoked to support the hardest and the broadest of slavery’⁷ – ‘it would be a hundred times better to live in Constantinople or in Morocco than in a country in which laws of this kind are in force’.⁸

However, when war broke out in 1791 the government called on ‘national volunteers’ to enlist, a call that was reiterated after the

- ¹ R. Girardet, *La société militaire de 1815 à nos jours* (Paris, 1998), p. 19; J. Smets, ‘Von der “Dorfidylle” zur preußischen Nation’, *Historische Zeitschrift* CCLXII (1969), pp. 697–738, at p. 717; quantitative aspects of the social impact of conscription can be found in A.-A. Hargenvilliers, ‘Compte général de la conscription’, in G. Vallée, *La conscription dans le département de la Charente (1798–1807)* (Paris, 1936). The more recent scholarship has shown that the figures given by Hargenvilliers are sometimes flawed: see F. Rousseau, *Service militaire au XIX^e siècle: de la résistance à l’obéissance: un siècle d’apprentissage de la patrie dans le département de l’Hérault* (Montpellier, 1998); R. Dufraisse, *Napoléon* (Paris, 1987), p. 69.
- ² See J. Houdaille, ‘Le problème des pertes de guerre’, *Revue d’histoire moderne et contemporaine* XVII (1970), pp. 411–23.
- ³ According to D. Porch, ‘the issues raised by laws on military organization [...] are [...] central to the political and ideological questions which then divided France’: ‘The French Army Law of 1832’, in *Historical Journal* XIV (1971), pp. 751–69, at 751.
- ⁴ On the issue of conscription in the revolutionary and Napoleonic period, see J.-P. Bertaud, *The Army of the French Revolution: From Citizen-Soldiers to Instrument of Power* (Princeton, 1988); J. Delmas, ‘L’armée de métier, 1715–1870’, in B. Boëne and M.L. Martin, eds, *Conscription et armée de métier* (Paris, 1991), pp. 197–204; A. Forrest, *Conscripts and Deserters: The Army and French Society during the Revolution and Empire* (New York and Oxford, 1989); I. Woloch, ‘Napoleonic Conscription: State Power and Civil Society’, *Past & Present* CXI (1986), pp. 101–28. The most recent account is provided by A. Crépin, *Défendre la France: les Français, la guerre et le service militaire, de la guerre de Sept ans à Verdun* (Rennes, 2005).
- ⁵ Liancourt, *Opinion sur le mode de recrutement pour l’armée, par M. le Duc de Liancourt, député de Clermont en Beauvoisis* (Paris, décembre 1789), p. 2.
- ⁶ For an analysis of the 1789–90 debate on military recruitment, see T. Hippler, ‘Service militaire et intégration nationale pendant la Révolution française’, *Annales Historiques de la Révolution Française* CCCXXIX (2002), pp. 1–16.
- ⁷ *Le Moniteur*, no. 116, vol. II, décembre 1789, p. 397.
- ⁸ Liancourt, *Opinion*, p. 7.

declaration of the 'patrie en danger' one year later. With the legendary *levée en masse* of the summer of 1793, the whole population was finally called up to fight for the fatherland and the republic, but it was only in 1798 that compulsory military service was firmly established in law. The so-called *loi Jourdan* provided the legal framework for the levies during the Napoleonic period.⁹ Besides the fact that modern conscription had been institutionalized during the revolution, it is important to note that a solid link existed also at the ideological level between military service, on the one hand, and revolution and republicanism on the other. If we accept Max Weber's definition of the state as the monopoly of legitimate violence,¹⁰ this link between military service and republican citizenship becomes unambiguously clear: the monopoly of legitimate violence (the defining feature of the state) is exercised by the sovereign people. Given this revolutionary legacy, one might easily suppose that it became difficult to argue in favour of conscription after 1815. However, it turned out that military and political decision-makers became convinced that France could not meet its military manpower needs without the draft. This is why conscription was re-established by the 1818 law which, amended in 1824 and in 1832, remained the basis of French recruitment politics until the Third Republic.

Despite the historical importance of the law and the high level of the parliamentary debate in which the theoretical and rhetorical levels of the opposing positions on the subject were elaborated, remarkably little historical scholarship has been invested in the *loi Gouvion-Saint-Cyr* – which confirms the general finding that the restoration is one of the least studied periods in modern French history.

II

After the 'hundred days' of Napoleon's comeback from Elba, and after the massive desertions that followed his ultimate defeat at Waterloo, the king had disbanded the remainder of the army and on 3 August 1815 decreed the formation of one 'legion' in each department. Between 1814 and 1818 the recruits for the Royal French Army were exclusively volunteers, many of them in reality veterans of the old imperial army. The military authorities, however, claimed that the number of volunteers was not sufficient to rebuild an army: accordingly, the minister of war proposed a new recruitment law to the Chamber of Deputies on 20 November 1817 and to the Chamber of Peers on 9 February 1818. Each

⁹ For an analysis of the 1798 law on conscription, see A. Crépin, *La conscription en débat ou le triple apprentissage de la nation, de la citoyenneté, de la République (1798–1889)* (Arras, 1998), esp. pp. 24–30.

¹⁰ 'Staat soll ein politischer Anstaltsbetrieb heißen, wenn und insoweit sein Verwaltungstab erfolgreich das Monopol legitimen physischen Zwanges für die Durchführung der Ordnungen in Anspruch nimmt.' M. Weber, *Wirtschaft und Gesellschaft: Grundriß der verstehenden Soziologie*, fünfte, revidierte Auflage, besorgt von Johannes Winckelmann (Tübingen, 1972), p. 29.

of the chambers then appointed its own commission, on behalf of which the Count d'Ambrugeac presented a report to the deputies on 7 January and Marshal Macdonald, Duke of Tarente, presented one to the peers.¹¹ The law was approved on 10 March 1818 after a week of passionate debate in both chambers.

Historians disagree about whether voluntary recruitment had really failed. According to Monteilhet, it was impossible to enlist more than 3500 men a year, despite the efforts of the prefects.¹² Vidalenc is sceptical, asking how it was possible to rebuild 86 battalions of departmental legions and 18 of royal guards out of only 3500 volunteers.¹³ The answer is probably twofold: the original core of the new Royal Army consisted largely of the remains of the imperial army, but it was increasingly difficult to find new recruits, especially since the government refused to pay a subsidy to newly engaged soldiers (the so-called *prime d'engagement*), which had been the normal practice in the eighteenth century. There is thus no good reason to believe that the numbers cited by the minister of war and by historians such as Monteilhet are incorrect. But there is equally no good reason not to believe that voluntary recruitment would have been sufficient if the government had been willing and able to provide the necessary funding. In any case, the minister of war's proposal provoked a major ideological clash within the political class of the restoration. Roughly speaking, this clash was between the monarchist 'ultras' – many of them former émigrés deeply committed to the *ancien régime* and to a religious foundation of the social and political order – and constitutional and liberal elites, many of whose members had had brilliant careers in the administration and the military during the revolution and the empire.

Under Gouvion-Saint-Cyr's proposal, an annual contingent of 40 000 men would be raised by voluntary recruitment or, if not enough volunteers were forthcoming, by a draft operated through a lottery. The length of active service being six years, the general strength of the army would be 240 000 men. These numbers, however, were only a maximum that was subject to budgetary constraints: that is, the actual strength of the army and the annual levies could in reality be lower and the effective duration of service shorter. Importantly, the proposal also provided for a reserve. Gouvion-Saint-Cyr had argued for six years of active service in the army and six years in the reserve, which would have meant in practice that the conscripts were discharged from the military after six years but could be called back in the event of a foreign invasion. This, however, should also apply to the former soldiers

¹¹ Crépin, *La conscription*, p. 35.

¹² J. Monteilhet, *Les institutions militaires de la France (1814–1832)* (Paris, 1932), p. 5.

¹³ J. Vidalenc, 'Engagés et conscrits sous la Restauration, 1814–1830', in: *Recrutement, mentalités, sociétés*, Actes du Colloque international d'histoire militaire, 18–22 septembre 1974 (Montpellier, 1975), p. 240; see also J. Vidalenc, 'Les engagements volontaires dans l'armée de la Restauration, contractés dans le Calvados', *Annales de Normandie* (1959), pp. 109–16.

of the imperial army, who had already received military instruction and experience. The corps of veterans should be organized according to the cantons they live in. This point, however, was voted down by the chambers because the remains of the imperial army were considered to be a potential threat to the political order of the restoration. The reserve that was created had a merely theoretical existence.¹⁴

Unsurprisingly, the opponents of the proposal argued that it was in flagrant contradiction of article 12 of the Constitutional Charter, which had abolished conscription.¹⁵ In their view, the new law proposed nothing less than restricted conscription adapted to peacetime.¹⁶ The supporters of the law tried, rather unconvincingly, to highlight the differences between the old conscription law and the new, and to distinguish compulsory enlistment from 'conscription' as it was practised during the Napoleonic period. They argued that 'conscription' meant seizing citizens 'at birth in order to make them become soldiers'; under the new law, by contrast, not all citizens would become soldiers but would contribute to the recruitment of the army according to legal procedures.¹⁷ According to this Sibyllic distinction, 'conscription' was not the same thing as compulsory military service, but only the particular 'mode of execution' of a more fundamental political principle which was shared by all societies.¹⁸ As such 'it would be absurd to suppose that the charter could have suppressed' military obligations *per se*.¹⁹ 'If conscription has had a terrible impact on Europe and if France herself has deplored its disastrous abuse and its gigantic extension, the principle of national recruitment is nevertheless founded on the very nature of social organization. The common defence is an obligation for all.'²⁰

It is true that the enormous manpower needs at the end of Napoleon's reign were such that no potential conscript could ever be sure of having escaped the draft; those who were exempted because of the number they had drawn at the lottery or those who had hired a substitute could be called up in the next levy, especially as 'extraordinary levies' were held from 1808 onwards. In this respect, supporters of the law argued that reliable procedures would re-establish the rule of law

¹⁴ On the question of the reserve, see Crépin, *La conscription*, pp. 54–56, and Porch, 'French Army Law'.

¹⁵ Pontet, *Opinion de M. de Pontet, député de la Gironde, sur le projet de loi relatif au recrutement de l'armée, prononcée dans la séance du 19 janvier*, Chambre des Députés (Paris, 1818), pp. 15–16.

¹⁶ Labourdonnaye, *Opinion de M. le comte de Labourdonnaye, sur le projet de loi relatif au recrutement de l'armée*, Chambre des Députés (Paris, 1818), p. 7.

¹⁷ Bourdeau, *Opinion de M. Bourdeau, député de la Haute-Vienne, sur le projet de loi de recrutement de l'armée, prononcée dans la séance du 16 janvier 1818* (Paris, 1818), p. 5.

¹⁸ Benoist, *Opinion de M. Benoist, député du dép^t de Maine et Loire, sur la loi de recrutement, prononcée dans la séance du 22 janvier 1818*, Chambre des Députés (Paris, 1818), p. 20.

¹⁹ Bondy, *Opinion de M. le comte de Bondy, député de l'Indre, sur le projet de loi relatif au mode de recrutement de l'armée*, Chambre des Députés, séance du 14 janvier 1818 (Paris, 1818), p. 4.

²⁰ Dupont, *Opinion de M. le comte Dupont (lieutenant-général), député du département de la Charente, sur le mode de recrutement de l'armée* (Paris, 1818), p. 7.

that had been neglected during the previous period. However, beyond the obligatory lip-service paid to the condemnation of Napoleonic conscription, the memory of revolution and the empire was a tricky issue because it was evident to all that it was difficult to get rid of a legacy that over 25 years had thoroughly transformed the country. On the one hand, the remnants of the imperial army were perceived as a potential threat to the restored monarchy; on the other hand, it was difficult even for their political opponents to dishonour publicly those men who had the reputation of having successfully fought for their country and who had become a model for the whole of Europe.²¹ According to deputy the Count of Courtarvel, 'speaking of the French army means reminding you of the memories of our glory'.²² And his colleague Dupont added: 'I am glad to honour those former warriors that a Europe which is more just than we are has never ceased to admire and I have trust in their civic virtues.'²³

Another deputy even pointed out that the glorious reputation of the conscripted French army had 'made an irrevocable judgement on the question of military recruitment'.²⁴ Conscription having been adopted everywhere in Europe, it was impossible to turn back to bygone ways of recruiting armies.²⁵ In a remarkable twist of the historical evidence, deputy Duvergier de Hauranne deplored the sad necessity to arm whole populations: 'Everybody knows that the Prussian population is entirely militarized [...] At this point in time, it is evident that the other states would be obliged sooner or later to employ comparable means and to arm their entire population in order to conserve their predominance.'²⁶

The main point of disagreement turned on whether to acknowledge the legacy of the revolution – and, above all, conscription – as an integral part of France's political present, or to consider the previous quarter-century to have been a tragic period of mistakes and insanity and to return to the status quo ante.²⁷ The logic according to which the

²¹ Rougé, *Opinion de M. le Marquis de Rougé, sur le projet de loi relatif au recrutement de l'armée*, Chambre des Pairs de France, session de 1817 (Paris, 1817), p. 3.

²² Courtarvel, *Opinion de M. le comte de Courtarvel, député d'Eure et Loir, sur le recrutement de l'armée, prononcé dans la séance du 14 janvier 1818*, Chambre des Députés (Paris, 1818), p. 1.

²³ Dupont, *Opinion de M. Dupont, député du département de l'Eure, sur le mode de recrutement de l'armée*, Chambre des Députés (Paris, 1818), p. 20.

²⁴ Chauvelin, *Opinion de M. Chauvelin, député de la Côte d'Or, sur le projet de loi relatif au recrutement de l'armée, prononcée à la séance du 15 janvier 1818* (Paris, 1818), pp. 3–4: 'la noble et glorieuse carrière parcourue au travers de tous les autres temps par l'armée française conscrite, ses vertus guerrières, ses vertus civiles, et ses restes épars et si grands qu'elle montre encore à notre admiration et à nos regrets, ont jugé irrévocablement la question d'un mode de recrutement de l'armée'.

²⁵ Duvergier de Hauranne, *Seconde opinion de M. Duvergier de Hauranne, député de la Seine-Inférieure, sur le projet de loi relatif au mode de recrutement de l'armée*, Chambre des Députés, séance du 24 janvier 1818 (Paris, no date), pp. 4–5.

²⁶ Duvergier de Hauranne, *Opinion de M. Duvergier de Hauranne, député de la Seine-Inférieure, sur le projet de loi relatif au recrutement de l'armée*, Chambre des Députés (Paris, no date), p. 5.

²⁷ See N. Petiteau, *Lendemain d'Empire: les soldats de Napoléon dans la France du XIX^e siècle* (Paris, 2003).

recent past should be accepted as such was challenged by speakers such as Allent, under-secretary of state at the war department, according to whom the Constitutional Charter – and thus the abolition of conscription – was ‘the daughter of the Revolution: the innocent daughter of a crazy and guilty mother’.²⁸ The conservatives argued for returning to the procedures of the *ancien régime*, which they depicted in a somewhat idealized way.²⁹

III

The arguments advanced in favour of the new recruitment law were essentially based on the assumption that there was a relationship between military service and citizenship: the defence of the state was a universal duty, since all lived under its protection. ‘A father has to give one of his sons to the fatherland as the price of the protection of his liberty, of his property and of the conservation of his other children who will be exempted.’³⁰ The obvious problem with this kind of argument was that ‘citizenship’ sounded like a revolutionary catchphrase in the ears of the monarchist party. Those who favoured compulsory military service therefore argued that equal citizenship was not a revolutionary invention but was profoundly rooted in the tradition of the French monarchy.

Barante, commissioner to the king, developed this historical point at some length, explaining that, at the time when the gentry alone made up the state, armed service was a noble prerogative. The whole population had then acquired civic rights as early as during the reign of Louis XIV. These civic rights, however, differed according to the political classes to which the citizens belonged. This differentiation impaired the morale of the troops because the officers were simply superimposed on the rank and file, and so lacked those ‘intimate and profound roots that grow only if the commanders and the soldiers are citizens of the same fatherland’.³¹ This internal split in the spirit of the army then became a

²⁸ Allent, *Discours sur le projet de loi relatif au recrutement de l'armée lu à la Chambre des Députés des départements dans la séance du 26 janvier 1818 par M. le Chevalier Allent, sous-secrétaire d'état au département de la guerre* (Paris, 1818), p. 28.

²⁹ Boisclaireau, *Opinion de M. le comte de Boisclaireau, député de la Sarthe, sur le projet de loi relatif au recrutement de l'armée, prononcée le 22 janvier 1818, Chambre des Députés* (Paris, 1818), p. 18: ‘Je demande que le recrutement volontaire soit substitué au recrutement obligé, et que ce dernier soit réservé sous le nom et les formes de l'ancienne milice, pour les cas très-rares, où le salut de l'Etat exigeroit l'emploi de forces plus formidables.’

³⁰ Josse-Beauvoir, *Opinion de M. Josse-Beauvoir, député de Loir et Cher, sur le recrutement de l'armée, prononcée dans la séance du 14 janvier 1818, Chambre des Députés* (Paris, 1818), pp. 5–6.

³¹ Barante, *Discours prononcé à la Chambre des Députés, dans la séance du 20 janvier 1818, par M. de Barante, conseiller d'état, commissaire du roi, sur le projet de loi du recrutement* (Paris, 1818), p. 7: ‘Mais quand ensuite l'armée se trouva, non plus en face de l'ennemi, mais dut être considérée comme un moyen d'ordre public, on s'aperçut tout-à-coup d'une manière funeste, qu'elle n'avait rien d'homogène, que deux esprits l'animaient, que ses chefs étaient superposés sur elle, sans y tenir par ces racines intimes et profondes qui croissent seulement lorsque les chefs et les soldats sont les citoyens d'une même patrie, les camarades d'un même métier.’

danger, particularly when the army was considered a means to maintain public order, that is, employed not against foreign powers but in order to crush violent uprisings. The reason for this was that the rank and file tended to fraternize with popular insurgents, whereas the officers of noble origin were attached to maintaining social order. Barante thus argued that equality of civic rights was not a threat to the established political and social order but, on the contrary, the only way to maintain the social and national cohesion of a population that otherwise would be divided into conflicting factions. Indeed, it was the lack of universal citizenship that was responsible for the failure of the army to crush the revolution in 1789. Thus, the supporters of the law tried to turn back on itself the argument of their opponents, who condemned any reference to citizenship as stemming from revolution and considered conscription as essentially 'democratic'.

According to Bonald, one of the intellectual leaders of the conservative party, there was a necessary 'relationship between democracy and recruitment by force and between monarchy and voluntary recruitment'.³² Chateaubriand added that conscription

is the natural method of recruitment of despotism and of democracy and, therefore, cannot be used in a constitutional monarchy: it is the method of recruitment under despotism because it means raising men by force, violating political and individual liberties, and thus being obliged to employ arbitrariness in its execution. It is the method of recruitment in a democracy, because it counts only the individual and establishes a metaphysical equality that does not exist in property in education and manners. [...] [T]here is a great similarity between the tyranny of all and the tyranny of a single individual. The tyrant is a leveller [*niveleur*], like the people.³³

For the conservatives, in short, conscription was democracy, and democracy was tyranny. Moreover, this complex of tyrannical–democratic conscription was structurally inclined to aggressive wars. Comparing France to the Roman republic, Bonald argued that aggressive wars were an inevitable consequence of the fact that republics had to 'externalize' their internal tensions. This was the main difference between republics and monarchies:

the spirit of the former is turned to war, since they are constituted as republics, be it in the Forum or in the military camp; the spirit of the latter is turned to peace because they live under the general constitution of a religious and political monarchy. However, for three centuries democratic elements have introduced themselves into the social body and this is why we have seen wars of 20 years,

³² Bonald, *Un dernier mot sur la loi du recrutement*, par M. de Bonald, député de l'Aveyron, Chambre des Députés (Paris, 1818), p. 1.

³³ Chateaubriand, *Opinion de M. le vicomte de Chateaubriand, sur le projet de loi relatif au recrutement de l'armée*, Chambre des Pairs (Paris, 1818), pp. 3–4.

wars of 30 years [...] wars that are no longer duels between generous sovereigns but awful struggles of peoples against peoples, all conscripted for their mutual ruin, *gens contra gentem*, that seem to be the annunciation of the last days of society.³⁴

Democratic and national wars, in short, destroy society because republics tend to abolish all the internal limitations that are inherent in monarchies. As they are driven by the forces of internal division, the only means available to them to overcome disagreements in the domestic sphere is to wage war on foreign countries. In the domestic sphere they unavoidably foster militarism.³⁵

Apart from the contention that democracy and conscription (like their consequences for military organization) lead inevitably to aggressive wars, one of the main arguments of the conservatives was that conscription was contrary to liberty and equality. Bonald thus depicted conscription as 'a law that confiscates my personal liberty prior to any misdemeanour'.³⁶ Drafting people into the army was thus like enslaving innocent men. And Chateaubriand prophesied that force would be needed to implement conscription in the face of the inevitable popular resistance.³⁷ Conservatives criticized also the obvious inequality of a form of recruitment that not only pressed a very limited number of conscripts into the military for a long time but allowed the wealthy to hire a substitute and thus to escape from personal service: 'One speaks of equality but where is this equality between the one who buys his son out of service and the one who is forced to sell his son?'³⁸ This reference to 'liberty' and 'equality', however, turned out to be somewhat blurred in the conservatives' argument, mainly because the reference of these concepts was largely determined by the revolutionary legacy. Other traditionalists tried to ban these revolutionary catchphrases altogether from their vocabulary: the French people 'know by now that the words liberty, equality, and fraternity have been the signal of slavery, of misery, and of death'.³⁹ Liberty and equality, in short, lead to revolution, and revolution to anarchy and despotism and, in the last instance, to slavery and death.⁴⁰

Other conservatives, among them Bonald and Chateaubriand, tried to recover a positive reference for 'liberty' but were much more critical of

³⁴ Bonald, *Opinion de M. de Bonald, député de l'Aveyron, sur le projet de loi relatif au recrutement de l'armée, Chambre des Députés* (Paris, 1818), pp. 14–15.

³⁵ Marcellus, *Opinion de M. le comte de Marcellus, député de la Gironde, sur le recrutement de l'armée, prononcée dans la séance du 23 janvier 1818, Chambre des Députés* (Paris, 1818), p. 9.

³⁶ Bonald, *Opinion*, p. 4.

³⁷ 'D'ailleurs, je le répète, vous aurez la main forcée: qui veut la fin veut les moyens: or, point d'appels sans contraintes, et contraintes nécessairement croissantes en raison de la résistance progressive': Chateaubriand, *Opinion*, p. 8.

³⁸ Bonald, *Un dernier mot*, p. 10.

³⁹ Causans, *Opinion de M. le marquis de Causans, lieutenant-général, député de Vaucluse, prononcée à la chambre, dans la séance du 23 janvier 1818, sur la loi du recrutement* (Paris, 1818), p. 5.

⁴⁰ '[U]ne loi qui appartient à la fois aux deux écoles, celle de la révolution et celle du despotisme [...] tout l'édifice constitutionnel s'écroule, et nous marcherons rapidement et infailliblement à l'anarchie ou au despotisme.' Op. cit., pp. 12–13.

the concept of 'equality'. If the supporters of the law argued in the name of equality, their main argument was that a constitutional monarchy required the political equality of all subjects, because any aristocratic privileges would undermine the very foundations of a social order that consisted of a simple dualistic structure of the king, on the one hand, and the subjects, on the other. These arguments echoed in reality insights that had already been formulated in the eighteenth century. The Count of Mirabeau had thus argued in 1789 that the 'nation' and the 'king' had fundamentally the same interests in weakening the centrifugal aristocratic tendencies and would both gain from the progress of political equality.⁴¹

For their opponents and more generally for the counter-revolutionary spirit, the social order of a constitutional monarchy should not rely on a dualism between ruler and individual subjects but on a threefold structure of royalty, gentry, and a 'people' that consisted not of individuals but of families. It was in this sense that Chateaubriand attacked the conscription law as inspired by a conception of 'metaphysical equality' that lacked any concrete content. As Bonald pointed out,

they speak of the necessity of the family to defend the State, but it is on the contrary the State that has to defend and to protect the family, because the State exists only for the sake of the family and not the family for the sake of the State. [...] There is equality between families in a monarchy [...] there is equality between individuals in a republic. Equality between families is a political reality; equality between individuals is an ideological abstraction.⁴²

The idea that the substance of society is made up not of individuals but of 'social bodies' that are prior to both the state and the social construction of individuals may sound astonishing today but did not necessarily do so at the beginning of the nineteenth century.

Invoking the logic of a conception of a social order that relied primarily on families and estates rather than on individuals, the conservatives claimed that it was necessary to maintain the nobility in its social and political functions. In the realm of the military, this was expressed in terms of the *ancien régime* idea of 'military nobility':⁴³ noble families should devote themselves to the service of the state, above all as officers in the army, 'of which the king would be the supreme commander, of which the people would be the mass and in which aristocracy (the intelligent and regulating force) would occupy the intermediate ranks

⁴¹ Mirabeau, '23^e note adressé à la cour', in A.F. de Bacourt, ed., *Correspondance entre le comte de Mirabeau et le comte de La Marck* (Paris, 1851), vol. 2, p. 197; cited in L. Jaume, *Le discours jacobin et la démocratie* (Paris, 1989), p. 171: 'J'ai toujours fait remarquer que l'anéantissement du clergé, des parlements, des pays d'état, de la féodalité, des capitulations des provinces, des privilèges de tout genre est une conquête commune à la nation et au monarque.'

⁴² Bonald, *Un dernier mot*, pp. 11–12.

⁴³ The idea of 'military nobility' was developed above all by the chevalier d'Arcq as a reaction to attempts to define the role of nobility in economic rather than traditional terms. See P.-A. de Sainte-Foix, chevalier d'Arcq, *La noblesse militaire, ou le patriote français* ([unknown publisher], 1756).

in order to prevent the blind forces of passion from tending towards the views of despotism and of anarchy'.⁴⁴ It is interesting to note that this highly traditional conception of the social order as a triad of king, aristocracy, and people could nevertheless not fully escape from the revolutionary reversal of social hierarchies. Defending aristocracy by reference to the need for intelligent leadership did not actually answer the objection, since the dispute about the role of aristocracy clearly did not turn on the necessity for elites as such but on whether elites should be constituted by heredity or by 'merit'. In other words, nobody contested the need for intelligent and regulating elites, but dissent arose about the social 'reproduction' of such elites. It was through the topic of promotion that this fundamental issue was addressed.

One of the main points of the debate concerned Title VI of the proposed law, on promotion within the hierarchy and thus the formation of military elites. Under Gouvion-Saint-Cyr's proposal, promotion would essentially be determined by seniority. This principle was vigorously contested by the monarchists, who claimed that it represented an attack on the royal prerogative in military matters: the king should retain the right to decide about promotions free from any kind of legal regulation. Once more in this debate, underlying fundamental divisions about the nature of the state were revealed in a technical point of military organization. It is, however, remarkable that the concrete issue was hardly invoked in the discussion. Obviously, defenders of the royal prerogative intended to prevent nobles having to serve for many years in the army before they could be promoted to the rank of officer: leaving the decision to the king – in practice to the functionaries of the Ministry of War – was in their eyes a means of ensuring that the officer corps would remain in the hands of the nobility.

The argument advanced in defence of this point of view, however, was a legal one: according to the Constitutional Charter, the king was the supreme commander of the army and the only competent authority in military matters. From the point of view of legitimism, this royal prerogative was 'the key that binds and holds the social edifice'.⁴⁵ Imposing the rule of law upon the royal decision was thus tantamount to violating the constitutional structure, since the 'organization of the army is not within the realm of the law'.⁴⁶ In other words, matters of promotion were within the competence of the king alone and were not to be submitted to the approval of the legislative power. In the eyes of the liberals, promotion by seniority was an imperative of social justice.⁴⁷ They argued that soldiers

⁴⁴ Silans, *Opinion de M. de Silans, député de l'Ain, sur la loi de recrutement*, Chambre des Députés [janvier 1818] (Paris, 1818), p. 16.

⁴⁵ Floirac, *Opinion de M. le comte de Floirac, maréchal de camp, député de l'Hérault, sur la loi de recrutement, prononcée dans la séance du 23 janvier 1818*, Chambre des Députés (Paris, 1818), p. 33.

⁴⁶ Trinquelague, *Opinion de M. de Trinquelague, député du Gard, sur le titre 6 du projet de loi relatif au recrutement de l'armée, prononcée dans la séance du 4 février 1818* (Paris, no date), p. 2.

⁴⁷ Voysin de Gartempe, *Opinion de M. Voysin de Gartempe, député du département de la Moselle, sur la loi du recrutement* (Paris, 1818), p. 4.

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should be rewarded for their long service by the possibility of social advancement,⁴⁸ which was the only way to encourage the spread of 'this noble emulation which is the soul of all virtues' within the armed forces.⁴⁹

Within the constitutional setting of the restoration, however, one of the main functions of the chambers was to vote on the annual budget, which obviously implied indirect control of the military forces. The debate about the royal prerogative in matters of promotion was thus inevitably linked to the issue of the balance of power between parliament and the king. In short, the first dichotomy – 'the king versus the law'⁵⁰ – was joined by a second, 'the king versus parliament'. In this respect, the conservatives made clear that the law 'should not leave any concern about the existence of an armed force at the disposal of the legislative power'.⁵¹ Their liberal opponents, by contrast, held that it was the chambers' task to defend, if necessary, the interests of the 'nation' against the monarchy, and this implied the need for an annual vote for the levies within the framework of the vote for the military budget.⁵²

IV

One of the most interesting arguments brought forward by the liberal party for extending the competences of the chambers to military matters postulated a similarity between military service and taxes. According to Deputy Brigode, 'taxes in money and taxes in men are identical [...] and their raising is done according to the same principle, ie the common interest'.⁵³ Rejecting this comparison between levies and taxes as 'political materialism',⁵⁴ the conservatives vigorously denied that military service was a kind of tax paid by those who had no pecuniary means but only their persons to give. The tricky issue of replacement was closely linked to the question whether personal service was comparable to financial contributions.

Within the framework of Napoleonic conscription, each drafted soldier could be exempted from service if he hired a substitute; and it was in the interest of the wealthy strata of society to maintain this possibility of buying their sons out of the obligation. The manifest injustice of a draft which, on the one hand, characterized military service as a civic

⁴⁸ Duvergier de Hauranne, *Opinion*, pp. 26–27.

⁴⁹ Delong, *Opinion de M. Delong, député du Gers, sur la loi de recrutement* (Paris, 1818), p. 3.

⁵⁰ Deputy Siméon contested that there could be an incongruity between the king and the law, arguing that a law was necessarily an emanation of the king's will. Simeon, *Opinion de M. Siméon, député du Var, sur le titre VI de l'avancement, dans le projet de loi relatif au recrutement de l'armée*, Chambre des Députés, séance du 4 février 1818 (Paris, 1818), p. 7.

⁵¹ Barthe-Labastide, *Opinion de M. Barthe-Labastide, député de l'Aude, sur le recrutement de l'armée, prononcée dans la séance du 15 janvier 1818*, Chambre des Députés, (Paris, 1818), p. 1.

⁵² Voyer-d'Argenson, *Opinion de M. Voyer-d'Argenson, député du Haut-Rhin, sur le projet de loi de recrutement* (Paris, 1818), p. 2.

⁵³ Brigode, *Opinion de M. le Baron de Brigode, député du Nord, sur le projet de loi de recrutement*, Chambre des Députés, séance du 14 janvier 1818 (Paris, 1818), p. 15.

⁵⁴ Corbière, *Opinion de M. Corbière, député d'Ille-et-Vilaine, sur le projet de loi relatif au recrutement, prononcée à la séance du 24 janvier*, Chambre des Députés (Paris, 1818), p. 18.

obligation for each citizen and, on the other hand, allowed the rich to buy themselves out of it provoked harsh criticism from the opponents of conscription. The conservative deputy Cardonnel thus depicted the image of 'the French youth becoming a commodity [...] object of a humiliating traffic and a shameful trading and sordid interest and infamous cupidity triumphing over all feelings and over all laws of nature'.⁵⁵ These words were premonitory. The interplay between the developing capitalist structures of the economy and the possibility of replacement led to insurance companies being set up against the risk of the draft; they became a flourishing business during the first two-thirds of the nineteenth century.⁵⁶ During the Second Empire, 'substitution' superseded 'replacement', the difference being that the buying-out was no longer a private transaction since drafted soldiers could pay a certain amount of money directly to the state in order to be exempted.⁵⁷ The main argument advanced for substitution was that it was a more 'moral' procedure than replacement.⁵⁸ In 1818 some deputies argued similarly that at a time when 'friends of humanity' were trying to forbid the traffic of human beings 'in Africa and the New World', replacement would mean establishing the trading of Frenchmen.⁵⁹ Instead, 'government should be intermediary between the man who wants to serve and the one who wants to be replaced. All negotiation between them should be forbidden.'⁶⁰ The money collected in this way could then be used to finance a system of social security for the soldiers.⁶¹ This suggestion, however, was rebuffed with the argument that the state should not become a 'merchant of human beings'.⁶²

The question whether military service was comparable to tax-paying was one of the very few issues on which 'republican'⁶³ positions could be clearly distinguished from 'liberal' ones, because in this case republicans and conservatives would hold a common position against the

⁵⁵ Cardonnel, *Opinion de M. le président de Cardonnel, député du Tarn, sur le projet de loi relatif au recrutement de l'armée*, Chambre des Députés, séance du 17 janvier 1818 (Paris, 1818), p. 10.

⁵⁶ See B. Schnapper, *Le remplacement militaire en France: quelques aspects politiques, économiques et sociaux du recrutement au XIX^e siècle* (Paris, 1968).

⁵⁷ See J. Casevitz, *Une loi manquée: la loi Niel (1866-1868): l'armée française à la veille de la guerre de 1870* (Paris, 1960).

⁵⁸ M. Auvray, *L'âge des casernes: histoire et mythes du service militaire* (Paris, 1998), p. 91.

⁵⁹ Barthe-Labastide, *Opinion*, pp. 2-3.

⁶⁰ Vogüé, *Opinion de M. le C^{te} Charles de Vogüé, député du Gard, sur le projet de loi relatif au recrutement de l'armée, prononcée dans la séance du 16 janvier*, Chambre des Députés (Paris, 1818), p. 11.

⁶¹ Barthe-Labastide, *Opinion*, p. 3.

⁶² Crépin, *La conscription*, p. 47.

⁶³ Talking of 'republicanism' in the context of the French restoration may seem somewhat surprising, since virtually no one claimed openly to be republican. Yet positions were adopted in parliament and elsewhere that clearly belonged to the intellectual tradition of republicanism, and the concept is here used in this sense. Deputy Lieutenant-General Count Dupont can be cited as adopting a clearly 'republican' position on the legacy of the French revolution: 'Plus l'armée sera homogène dans toutes ses parties, et plus elle sera puissante. Les corps qui la composent, réunissant dans leur sein des éléments qui appartiennent à toute la population, et se trouvant dégagés d'affections locales et privées, en seront plus pénétrés du grand amour de la patrie.' Dupont, *Opinion de M. le comte Dupont*, p. 22.

pragmatic liberal approach. According to the latter, military service and taxes were both sacrifices imposed upon the population by the state. From the constitutional point of view, this meant that both contributions should be subject to the approval of the chambers. Adopting a pragmatic approach to implementing conscription, the liberals favoured the enlistment of a small number of conscripts over a long period. The republicans, by contrast, favoured the opposite approach of enlisting the greatest possible number of conscripts for a short period, not only because this was obviously required by justice and equality, but also because the armed forces should not be culturally and politically too far removed from the rest of the population: a classical republican assumption. The republicans would also contest the liberals' comparison of military service to taxes with an 'existential' argument: unlike with pecuniary contributions, service in the military meant 'giving one's whole person, one's blood, one's life'.⁶⁴

If republicans could agree with conservatives in rejecting the comparison of personal service to taxation, they could also potentially agree on the issue of social discipline. It is interesting that a republican appraisal of the contribution of military discipline to civic education – one of the cornerstones of republican thinking during the revolution – was virtually absent from the debate in 1818. It was, however, the conservatives who advanced the argument of the social utility of military discipline as a means to tame 'these proletarian classes that are always hostile towards order and property'.⁶⁵ The conservatives would thus argue that military service was a socially useful occupation for those who lacked 'application' and a 'sedentary lifestyle'.⁶⁶ In this respect, the army would become a substitute for vanishing family structures, thus 'preserving society from the danger of leaving without occupation a population that should not be abandoned to their own devices. [...] Military discipline would be the image of subordination within the family'.⁶⁷ It is yet another interesting feature of the debate that the argument that the family was the foundation of society was coming to be used for different purposes. Where Bonald had made use of the family argument against conscription, others would present the army as a family for those who were deprived of family bonds, and argue for the necessity to link 'paternal power' to 'military power' in order to combine the 'spirit of the family' with the soldier's attachment to the nation and the army.⁶⁸

⁶⁴ Bignon, *Discours sur le recrutement de l'armée prononcé par M. Bignon, député du département de l'Eure*, séance du 17 janvier 1818 (Paris, 1818), p. 23.

⁶⁵ Silans, *Opinion*, p. 17.

⁶⁶ Druet-Desvaux, *Opinion de M. Druet-Desvaux, député du département de l'Orne, sur quelques articles de la loi du recrutement de l'armée, proposée à la Chambre des Députés le 29 novembre 1817* (Paris, 1818), p. 4.

⁶⁷ Corbière, *Opinion*, p. 6.

⁶⁸ Beugnot, *Opinion de M. le comte Beugnot, ministre d'état, député des départements de la Seine-Inférieure et de la Haute-Marne, sur le projet de loi relatif au mode de recrutement de l'armée*, Chambre des Députés, séance du 22 janvier 1818 (Paris, 1818), p. 9. See also L. Hunt, *The Family Romance of the French Revolution* (Berkeley, LA, 1992).

At the other end of the ideological spectrum were those for whom the basis of society was not the family but the economy. The most prominent representative of this position was the Baron of Brigode, deputy of the North, which had industrialized early on. Economic development had thus changed 'the fundamental principle of society', which meant, first, that peace had become 'a natural and enduring condition'; second, that 'economy and liberty' had become essential needs; and, third, that governments were now 'in a more absolute dependence from their peoples'. The consequences of these societal changes were expressed in terms of liberty and equality: 'liberty of action', that is, personal freedom, above all in the entrepreneurial sphere, had become necessary for industrial development and had to be acknowledged in the legislation. A consequence of this necessary 'liberty of action' was a change in the concept of equality: social solidarity was enforced by the increasing interdependence between the different classes of society, so that 'the inequalities of the masses are substituted by the inequalities of individuals'.⁶⁹ It is, however, remarkable that, despite their vigorous defence of the value of personal liberty, these liberals argued for compulsory military service. According to Brigode, 'one cannot suppose plenty of energy in troops that consist primarily of men who enlisted in order to escape from any occupation because they are scared of work'.⁷⁰ Magnier-Grandprez, deputy of the department of the Lower Rhine, added that it was 'the obligation of peasants and merchants not to compromise their security by abandoning it to mercenary hands alone'.⁷¹

V

One of the main concerns of military thought in the eighteenth century had been the identification of the army with the 'nation'. The revolution had picked up this concern, trying to form a 'national army', that is, an army that was no longer a passive instrument in the hands of the government but reflected the wishes and opinions of the whole nation. It is thus not surprising that the very idea of a 'national army' was criticized by extreme conservatives as a revolutionary invention: 'The national army! That was the revolutionary army in the domestic sphere.'⁷² In order to defend the idea of a national army, the constitutional party argued that 'nationality' did not exclude the king but, on the contrary, linked the people to royalty. As one speaker put it, 'forced recruitment will make the army become national, which means interested in defending the king and the fatherland'.⁷³

⁶⁹ Brigode, *Opinion*, pp. 5–6.

⁷⁰ *Op. cit.*, p. 13.

⁷¹ Magnier-Grandprez, *Opinion de M. Magnier-Grandprez, député du Bas-Rhin, sur le projet de loi relatif au recrutement de l'armée*, Chambre des Députés (Paris, 1818), p. 8.

⁷² Floirac, *Opinion*, p. 28.

⁷³ Beaumont, *Opinion de M. de Beaumont sur le projet de loi relatif au recrutement de l'armée*, Chambre des Pairs de France, session de 1817 (Paris, 1817), p. 6.

The concept of the 'nation' was in fact extremely ambiguous. Some employed the word in the eighteenth-century sense of the 'people' opposed to their rulers; others, like Bonald, would try to reverse the reference. 'Let's not try to make the army more national than the king, since the king, who is its supreme commander, is as constitutional as, and more national than, we are.'⁷⁴ In this account, the king was defined as the very essence of the nation. This assertion, however, can be understood in two different ways. First, under a traditional definition of royalty as the spiritual centre from which the nation emanated, it was the king who constituted the nation, not the other way around. The 'we' in Bonald's expression 'the king is more national than we are' thus designated the people as a whole. Any reasoning in terms of popular sovereignty thus confused cause and effect. Second, the 'we' in Bonald's assertion could be understood to refer to the audience of his speech, namely, the Chamber of Deputies. The king was thus said to be more national than the representatives. This idea was very clearly formulated by the Count of Courtarvel, for whom 'the rights of the crown are the rights of the people. Let's not forget that the king is the support of those who do not have any support, he is [...] the representative of those who do not nominate representatives.'⁷⁵

In this respect, the quarrels about the 'national army' hinted at different conceptions of legitimate social stratification advanced by different social groups, that is, traditional noble elites, on the one hand, and the bourgeoisie and those recently raised to the peerage, on the other. The former favoured a fixed social structure composed of three parts – royalty, nobility, and a people consisting of families. To the extent that each part had its specific abilities and its specific social tasks, this model was the realization of a certain traditional (Platonic) conception of social justice. According to this view, the structural problem of France's political system in the restoration was that it raised the bourgeoisie – sections of the 'people' – to a political role that was not theirs as of right. This, however, destabilized the whole social edifice and had potentially disastrous consequences for the whole of the population, above all for the weaker ones, that is, the 'people'. In this respect, it was the king's task to defend the people against bourgeois egotism. Pushing this logic further, some conservatives tried to distinguish the 'national army' from the 'nationalized army':⁷⁶ the army should be national inasmuch as the nation was an emanation from the king but not nationalized – 'an army that will follow the influence and the insanity of the first commander who will make it move like a single man, instead of obeying according to the Constitutional Charter the supreme commander of the armed forces'.⁷⁷

⁷⁴ Bonald, *Opinion*, p. 42.

⁷⁵ Courtarvel, *Opinion*, p. 6.

⁷⁶ Benoist, *Opinion*, p. 48.

⁷⁷ Salaberry, *Opinion de M. le comte de Salaberry, député de Loir et Cher, contre la loi de recrutement, prononcée dans la séance du 15 janvier 1818*, Chambre des Députés (Paris, 1818), p. 5.

The bourgeoisie and the *noblesse d'Empire*, on the other hand, favoured a conception of society that envisaged the possibility of social mobility according to individual 'merit'.⁷⁸ From this viewpoint, the nobility was a caste whose occupation of key positions in society lacked any justification, whereas the rising elites were the true incarnation of the nation inasmuch as they stemmed from the people, rising above it and thus forming its true essence. In terms of political ontology, the two positions adopted opposite stances: in the traditional understanding the king was the state ('l'État, c'est moi') and constituted the nation, whereas in the bourgeois understanding the nation constituted the state.⁷⁹ In this respect, the national army is described as 'one of the conditions of existence' of the state itself.⁸⁰ Beyond the debates on conscription it is thus possible to detect a more general disagreement about the basic features of a just social order as expressed through conflicting definitions of the nation. Socially speaking, this quarrel was animated by the coexistence of two social elites that contested each other's legitimacy.

Attempts were also made, however, to reach a third position: the nation was progressively defined less in social or political terms, and both the traditional definition of the nation as emanating from royalty and the revolutionary conception of the nation as the lower strata of society tended to vanish in favour of a modern ethnic definition of the nation as a 'community of descent'. Thus, the link between citizenship and military service was grounded in its more fundamental relationship to nationality.⁸¹ 'Our soldiers will be Frenchmen and as such [...] they will always be devoted to royalty, our kings will be French and as such [...] they will be not less devoted to the fatherland.'⁸² It is true, however, that this modern definition of nationality had not yet become evident, as the debate on foreign military corps in French service displayed quite clearly.⁸³

The 1818 debate on conscription was a sort of laboratory of political ideologies at the dawn of modernity. Theologically grounded conservatism, post-revolutionary republicanism, constitutional monarchism,

⁷⁸ Cf. Royer-Collard, *Opinion de M. Royer-Collard, député de la Marne, sur l'article 27 du projet de loi relatif au mode de recrutement de l'armée*, Chambre des Députés, séance du 5 février 1818 (Paris, 1818), esp. pp. 1–4.

⁷⁹ In the 1818 debate this idea was quite clearly expressed from the conservative point of view through a condemnation of the errors of 'popular sovereignty'. See Barthe-Labastide, *Opinion de M. Barthe-Labastide, député de l'Aude, sur plusieurs articles et le titre VI de la loi de recrutement, prononcée dans la séance du 29 janvier*, Chambre des Députés ([Paris], 1818).

⁸⁰ Sartelon, *Opinion de M. Sartelon, député de la Corrèze, sur le projet de loi relatif au recrutement de l'armée prononcée dans la séance du 20 janvier 1818*, Chambre des Députés (Paris, 1818), p. 1.

⁸¹ Beugnot, *Opinion*, p. 8: 'Citoyen avant d'avoir été soldat, il est et il faut qu'il soit avant tout l'homme de son pays.'

⁸² Silans, *Opinion*, p. 13.

⁸³ G. Salis, *Opinion d'un député des Ardennes, sur le projet de loi de recrutement*, Chambre des Députés [15 février 1818] (Paris, 1818), p. 7.

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liberalism, and nationalism confronted each other *in statu nascendi*. During one week, both chambers of the French parliament reviewed the implications of compulsory military service in the light of the revolutionary experience. Torn between traditional and modern conceptions of the state, the nation, and citizenship, their debate displayed, better than probably any other corpus of texts from the period, not only the difficult issue of military obligation but also a wide range of key political concepts. Parliamentary representation, the relationship between executive and legislative power, the formation and reproduction of social and political elites, the role of the economy, democratization, political participation, and national integration – all these issues were addressed through the prism of one concrete political question: the recruitment of the armed forces.