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## THE ENCYCLOPÆDIA BRITANNICA A DICTIONARY OF ARTS, SCIENCES, LITERATURE AND GENERAL INFORMATION ELEVENTH EDITION

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EXTERIOR POLICY 1870-1909

The Franco-German War marks a turning-point in the history of the exterior policy of France as distinct as does the fall of the ancient monarchy or the end of the Napoleonic epoch. With the disappearance of the Second Empire, by its own fault, on the field of Sedan in September 1870, followed in the early months of 1871 by the proclamation of the German empire at Versailles and the annexation of Alsace and Lorraine under the treaty of peace of Frankfort, France descended from its primacy among the nations of continental Europe, which it had gradually acquired in the half-century subsequent to Waterloo. It was the design of Bismarck that united Germany, which had been finally established under his direction by the war of 1870, should take the place hitherto occupied by France in Europe. The situation of France in 1871 in no wise resembled that after the French defeat of 1815, when the First Empire, issue of the Revolution, had been upset by a coalition of the European monarchies which brought back and supported on his restored throne the legitimate heir to the French crown. In 1871 the Republic was founded in isolation. France was without allies, and outside its frontiers the form of its executive government was a matter of interest only to its German conquerors. Bismarck desired that France should remain isolated in Europe and divided at home. He thought that the Republican form of government would best serve these ends. The revolutionary tradition of France would, under a Republic, keep aloof the monarchies of Europe, whereas, in the words of the German ambassador at Paris, Prince Hohenlohe, a "monarchy would strengthen France and place her in a better position to make alliances and would threaten our alliances." At the same time Bismarck counted on governmental instability under a Republic to bring about domestic disorganization which would so disintegrate the French nation as to render it unformidable as a foe and ineffective as an ally. The Franco-German War thus produced a situation unprecedented in the mutual relations of two great European powers. From that situation resulted all the exterior policy of France, for a whole generation, colonial as well as foreign.

In 1875 Germany saw France in possession of a constitution which gave promise of durability if not of permanence. German opinion had already been perturbed by the facility and speed with which France had paid off the colossal war indemnity exacted by the conqueror, thus giving proof of the inexhaustible resources of the country and of its powers of recuperation. The successful reorganization of the French army under the military law of 1872 caused further alarm when there appeared to be some possibility of the withdrawal of Russia from the Dreikaiserbund, which had set the seal on Germany's triumph and France's abasement in Europe. It seemed, therefore, as though it might be expedient for Germany to make a sudden aggression upon France before that country was adequately prepared for war, in order to crush the nation irreparably and to remove it from among the great powers of Europe.

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The constitution of the Third Republic was voted by the National Assembly on the 25th of February 1875. The new constitution had to be completed by electoral laws and other complementary provisions, so it could not become effective until the following year, after the first elections of the newly founded Senate and Chamber of Deputies. M. Buffet was then charged by the president of the republic, Marshal MacMahon, to form a provisional ministry in which the duc Decazes, who had been foreign minister since 1873, was retained at the Quai d'Orsay. The cabinet met for the first time on the 11th of March, and ten days later the National Assembly adjourned for a long recess.

It was during that interval that occurred the incident known as "The Scare of 1875." The Kulturkampf had left Prince Bismarck in a state of nervous irritation. In all directions he was on the look out for traces of Ultramontane intrigue. The clericals in France after the fall of Thiers had behaved with great indiscretion in their desire to see the temporal power of the pope revived. But when the reactionaries had placed MacMahon at the head of the state, their divisions and their political ineptitude had shown that the government of France would soon pass from their hands, and of this the voting of the Republican constitution by a monarchical assembly was the visible proof. Nevertheless Bismarck, influenced by the presence at Berlin of a French ambassador, M. de Gontaut-Biron, whom he regarded as an Ultramontane agent, seems to have thought otherwise. A military party at Berlin affected alarm at a law passed by the French Assembly on the 12th of March, which continued a provision increasing from three to four the battalions of each infantry regiment, and certain journals, supposed to be inspired by Bismarck, argued that as the French were preparing, it might be well to anticipate their designs before they were ready. Europe was scared by an article on the 6th of May in *The Times*, professing to reveal the designs of Bismarck, from its Paris correspondent, Blowitz, who was in relations with the French foreign minister, the duc Decazes, and with Prince Hohenlohe, German ambassador to France, both being prudent diplomatists, and, though Catholics, opposed to Ultramontane pretensions. Europe was astounded at the revelation and alarmed at the alleged imminence of war. In England the Disraeli ministry addressed the governments of Russia, Austria and Italy, with a view to restraining Germany from its aggressive designs, and Queen Victoria wrote to the German emperor to plead the cause of peace. It is probable that there was no need either for this intervention or for the panic which had produced it. We know now that the old emperor William was steadfastly opposed to a fresh war, while his son, the crown prince Frederick, who then seemed likely soon to succeed him for a long reign, was also determined that peace should be maintained. The scare had, however, a most important result, in sowing the seeds of the subsequent Franco-Russian alliance. Notwithstanding that the tsar Alexander II. was on terms of affectionate intimacy with his uncle, the emperor William, he gave a personal assurance to General Le Flô, French ambassador at St Petersburg, that France should have the "moral support" of Russia in the case of an aggression on the part of Germany. It is possible that the danger of war was exaggerated by the French foreign minister and his ambassador at Berlin, as is the opinion of certain French historians, who think that M. de Gontaut-Biron, as an old royalist, was only too glad to see the Republic under the protection, as it were, of the most reactionary monarchy of Europe. At the same time Bismarck's denials of having acted with terrorizing intent cannot be accepted. He was more sincere when he criticized the ostentation with which the Russian Chancellor, Prince Gortchakoff, had claimed for his master the character of the defender of France and the obstacle to German ambitions. It was in memory of this that, in 1878 at the congress of Berlin, Bismarck did his best to impair the advantages which Russia had obtained under the treaty of San Stefano.

The events which led to that congress put into abeyance the prospect of a serious understanding between France and Russia. The insurrection in Herzegovina in July 1875 reopened the Eastern question, and in the Orient the interests of France and Russia had been for many years conflicting, as witness the controversy concerning the Holy Places, which was one of the causes of the Crimean War. France had from the reign of Louis XIV. claimed the exclusive right of protecting Roman Catholic interests in the East. This claim was supported not only by the monarchists, for the most part friendly to Russia in other respects, who directed the foreign policy of the Third Republic until the Russo-Turkish War of 1877, but by the Republicans, who were coming into perpetual power at the time of the congress of Berlin—the ablest of the anti-clericals, Gambetta, declaring in this connexion that "anti-clericalism was not an article of exportation." The defeat of the monarchists at the elections of 1877, after the "Seize Mai," and the departure from office of the duc Decazes, whose policy had tended to prepare the way for an alliance with the tsar, changed the attitude of French diplomacy towards Russia. M. Waddington, the first Republican minister for foreign affairs, was not a Russophil, while Gambetta was ardently anti-Russian, and he, though not a minister, was exercising that preponderant influence in French politics which he retained until 1882, the last year of his life. Many Republicans considered that the monarchists, whom they had turned out, favoured the support of Russia not only as a defence against Germany, which was not likely to be effective so long as a friendly uncle and nephew were reigning at Berlin and at St Petersburg respectively, but also as a possible means of facilitating a monarchical restoration in France. Consequently at the congress of Berlin M. Waddington and the other French delegates maintained a very independent attitude towards Russia. They supported the resolutions which aimed at diminishing the advantages obtained by Russia in the war, they affirmed the rights of France over the Holy Places, and they opposed the anti-Semitic views of the Russian

***The crisis of 1875.***

***Congress of Berlin.***

representatives. The result of the congress of Berlin seemed therefore to draw France and Russia farther apart, especially as Gambetta and the Republicans now in power were more disposed towards an understanding with England. The contrary, however, happened. The treaty of Berlin, which took the place of the treaty of San Stefano, was the ruin of Russian hopes. It was attributed to the support given by Bismarck to the anti-Russian policy of England and Austria at the congress, the German chancellor having previously discouraged the project of an alliance between Russia and Germany. The consequence was that the tsar withdrew from the Dreikaiserbund, and Germany, finding the support of Austria inadequate for its purposes, sought an understanding with Italy. Hence arose the Triple Alliance of 1882, which was the work of Bismarck, who thus became eventually the author of the Franco-Russian alliance, which was rather a sedative for the nervous temperament of the French than a remedy necessary for their protection. The twofold aim of the Triplice was the development of the Bismarckian policy of the continued isolation of France and of the maintenance of the situation in Europe acquired by the German empire in 1871. The most obvious alliance for Germany was that with Russia, but it was clear that it could be obtained only at the price of Russia having a free hand to satisfy its ambitions in the East. This not only would have irritated England against Germany, but also Austria, and so might have brought about a Franco-Austrian alliance, and a day of reckoning for Germany for the combined rancours of two nations, left by 1866 and 1871. It was thus that Germany allied itself first with Austria and then with Italy, leaving Russia eventually to unite with France.

As the congress of Berlin took in review the general situation of the Turkish empire, it was natural that the French delegates should formulate the position of France in Egypt. Thus the powers of Europe accepted the maintenance of the *condominium* in Egypt, financial and administrative, of England and France. Egypt, nominally a province of the Turkish empire, had been invested with a large degree of autonomy, guaranteed by an agreement made in 1840 and 1841 between the Porte and the then five great powers, though some opposition was made to France being a party to this compact. By degrees Austria, Prussia and Russia (as well as Italy when it attained the rank of a great power) had left the international control of Egypt to France and England by reason of the preponderance of the interests of those two powers on the Nile.

**Egyptian question.**

In 1875 the interests of England in Egypt, which had hitherto been considered inferior to those of France, gained a superiority owing to the purchase by the British government of the shares of the khedive Ismail in the Suez Canal. Whatever rivalry there may have been between England and France, they had to present a united front to the pretensions of Ismail, whose prodigalities made him impatient of the control which they exercised over his finances. This led to his deposition and exile. The control was re-established by his successor Tewfik on the 4th of September 1879. The revival ensued of a so-called national party, which Ismail for his own purposes had encouraged in its movement hostile to foreign domination. In September 1881 took place the rising led by Arabi, by whose action an assembly of notables was convoked for the purpose of deposing the government authorized by the European powers. The fear lest the sultan should intervene gave an appearance of harmony to the policy of England and France, whose interests were too great to permit of any such interference. At the end of 1879 the first Freycinet cabinet had succeeded that of M. Waddington and had in turn been succeeded in September 1880 by the first Ferry cabinet. In the latter the foreign minister was M. Barthélemy Saint-Hilaire, an aged philosopher who had first taken part in politics when he helped to dethrone Charles X. in 1830. In September 1881 he categorically invited the British government to join France in a military intervention to oppose any interference which the Porte might attempt, and the two powers each sent a warship to Alexandria. On the 14th of November Gambetta formed his *grand ministère*, in which he was foreign minister. Though it lasted less than eleven weeks, important measures were taken by it, as Arabi had become under-secretary for war at Cairo, and was receiving secret encouragement from the sultan. On the 7th of January 1882, at the instance of Gambetta, a joint note was presented by the British and French consuls to the khedive, to the effect that their governments were resolved to maintain the *status quo*, Gambetta having designed this as a consecration of the Anglo-French alliance in the East. Thereupon the Porte protested, by a circular addressed to the powers, against this infringement of its suzerainty in Egypt. Meanwhile, the assembly of notables claimed the right of voting the taxes and administering the finances of the country, and Gambetta, considering this as an attempt to emancipate Egypt from the financial control of Europe, moved the British government to join with France in protesting against any interference on the part of the notables in the budget. But when Lord Granville accepted this proposal Gambetta had fallen, on the 26th of January, being succeeded by M. de Freycinet, who for the second time became president of the council and foreign minister. Gambetta fell nominally on a scheme of partial revision of the constitution. It included the re-establishment of *scrutin de liste*, a method of voting to which many

Republicans were hostile, so this gave his enemies in his own party their opportunity. He thus fell the victim of republican jealousy, nearly half the Republicans in the chamber voting against him in the fatal division. The subsequent debates of 1882 show that many of Gambetta's adversaries were also opposed to his policy of uniting with England on the Egyptian question. Henceforth the interior affairs of Egypt have little to do with the subject we are treating; but some of the incidents in France which led to the English occupation of Egypt ought to be mentioned. M. de Freycinet was opposed to any armed intervention by France; but in the face of the feeling in the country in favour of maintaining the traditional influence of France in Egypt, his declarations of policy were vague. On the 23rd of February 1882 he said that he would assure the non-exclusive preponderance in Egypt of France and England by means of an understanding with Europe, and on the 11th of May that he wished to retain for France its peculiar position of privileged influence. England and France sent to Alexandria a combined squadron, which did not prevent a massacre of Europeans there on the 11th of June, the khedive being now in the hands of the military party under Arabi. On the 11th of July the English fleet bombarded Alexandria, the French ships in anticipation of that action having departed the previous day. On the 18th of July the Chamber debated the supplementary vote for the fleet in the Mediterranean, M. de Freycinet declaring that France would take no active part in Egypt except as the mandatory of the European powers. This was the occasion for the last great speech of Gambetta in parliament. In it he earnestly urged close co-operation with England, which he predicted would otherwise become the mistress of Egypt, and in his concluding sentences he uttered the famous "*Ne rompez jamais l'alliance anglaise.*" A further vote, proposed in consequence of Arabi's open rebellion, was abandoned, as M. de Freycinet announced that the European powers declined to give France and England a collective mandate to intervene in their name. In the Senate on the 25th of July M. Scherer, better known as a philosopher than as a politician, who had Gambetta's confidence, read a report on the supplementary votes which severely criticized the timidity and vacillation of the government in Egyptian policy. Four days later in the Chamber M. de Freycinet proposed an understanding with England limited to the protection of the Suez Canal. Attacked by M. Clémenceau on the impossibility of separating the question of the canal from the general Egyptian question, the ministry was defeated by a huge majority, and M. de Freycinet fell, having achieved the distinction of being the chief instrument in removing Egypt from the sphere of French interest.

Some of the Republicans whose votes turned out M. de Freycinet wanted Jules Ferry to take his place, as he was considered to be a strong man in foreign policy, and Gambetta, for this reason, was willing to see his personal enemy at the head of public affairs. But this was prevented by M. Clémenceau and the extreme Left, and the new ministry was formed by M. Duclerc, an old senator whose previous official experience had been under the Second Republic. On its taking office on the 7th of August, the ministerial declaration announced that its policy would be in conformity with the vote which, by refusing supplies for the occupation of the Suez Canal, had overthrown M. de Freycinet. The declaration characterized this vote as "a measure of reserve and of prudence but not as an abdication." Nevertheless the action of the Chamber—which was due to the hostility to Gambetta of rival leaders, who had little mutual affection, including MM. de Freycinet, Jules Ferry, Clémenceau and the president of the Republic, M. Grévy, rather than to a desire to abandon Egypt—did result in the abdication of France. After England single-handed had subdued the rebellion and restored the authority of the khedive, the latter signed a decree on the 11th of January 1883 abolishing the joint control of England and France. Henceforth Egypt continued to be a frequent topic of debate in the Chambers; the interests of France in respect of the Egyptian finances, the judicial system and other institutions formed the subject of diplomatic correspondence, as did the irritating question of the eventual evacuation of Egypt by England. But though it caused constant friction between the two countries up to the Anglo-French convention of the 8th of April 1904, there was no longer a French active policy with regard to Egypt. The lost predominance of France in that country did, however, quicken French activity in other regions of northern Africa.

The idea that the Mediterranean might become a French lake has, in different senses, been a preoccupation for France and for its rivals in Europe ever since Algeria became a French province by a series of fortuitous incidents—an insult offered by the dey to a French consul, his refusal to make reparation, and the occasion it afforded of diverting public attention in France from interior affairs after the Revolution of 1830. The French policy of preponderance in Egypt had only for a secondary aim the domination of the Mediterranean. The French tradition in Egypt was a relic of Napoleon's vain scheme to become emperor of the Orient even before he had made himself emperor of the West. It was because Egypt was the highway to India that under Napoleon III. the French had constructed the Suez Canal, and for the same reason England

**Algerian policy.**

could never permit them to become masters of the Nile delta. But the possessors of Algeria could extend their coast-line of North Africa without seriously menacing the power which held Gibraltar and Malta. It was Italy which objected to a French occupation of Tunis. Algeria has never been officially a French "colony." It is in many respects administered as an integral portion of French territory, the governor-general, as agent of the central power, exercising wide jurisdiction. Although the Europeans in Algeria are less than a seventh of the population, and although the French are actually a minority of the European inhabitants—Spaniards prevailing in the west, Italians and Maltese in the east—the three departments of Constantine, Algiers and Oran are administered like three French departments. Consequently, when disturbances occurred on the borderland separating Constantine from Tunis, the French were able to say to Europe that the integrity of their national frontier was threatened by the proximity of a turbulent neighbour. The history of the relations between Tunis and France were set forth, from the French standpoint, in a circular, of which Jules Ferry was said to be the author, addressed by the foreign minister, M. Barthélemy Saint-Hilaire on the 9th of May 1881, to the diplomatic agents of France abroad. The most important point emphasized by the French minister was the independence of

**Tunis.**

Tunis from the Porte, a situation which would obviate difficulties with Turkey such as had always hampered the European powers in Egypt. In support of this contention a protest made by the British government in 1830, against the French conquest of Algiers, was quoted, as in it Lord Aberdeen had declared that Europe had always treated the Barbary states as independent powers. On the other hand, there was the incident of the bey of Tunis having furnished to Turkey a contingent during the Crimean War, which suggested a recognition of its vassalage to the Sublime Porte. But in 1864, when the sultan had sent a fleet to La Goulette to affirm his "rights" in Tunis, the French ambassador at Constantinople intimated that France declined to have Turkey for a neighbour in Algeria. France also in 1868 essayed to obtain control over the finances of the regency; but England and Italy had also large interests in the country, so an international financial commission was appointed. In 1871, when France was disabled after the war, the bey obtained from Constantinople a firman of investiture, thus recognizing the suzerainty of the Porte. Certain English writers have reproached the Foreign Office for its lack of foresight in not taking advantage of France's disablement by establishing England as the preponderant power in Tunis. The fact that five-sixths of the commerce of Tunis is now with France and Algeria may seem to justify such regrets. Yet by the light of subsequent events it seems probable that England would have been diverted from more profitable undertakings had she been saddled with the virtual administration and military occupation of a vast territory which such preponderance would have entailed. The wonder is that this opportunity was not seized by Italy; for Mazzini and other workers in the cause of Italian unity, before the Bourbons had been driven from Naples, had cast eyes on Tunis, lying over against the coasts of Sicily at a distance of barely 100 m., as a favourable field for colonization and as the key of the African Mediterranean. But when Rome became once more the capital of Italy, Carthage was not fated to fall again under its domination and the occasion offered by France's temporary impotence was neglected. In 1875 when France was rapidly recovering, there went to Tunis as consul an able Frenchman, M. Roustan, who became virtual ruler of the regency in spite of the resistance of the representative of Italy. French action was facilitated by the attitude of England. On the 26th of July 1878 M. Waddington wrote to the marquis d'Harcourt, French ambassador in London, that at the congress of Berlin Lord Salisbury had said to him—the two delegates being the foreign ministers of their respective governments—in reply to his protest, on behalf of France, against the proposed English occupation of Cyprus, "Do what you think proper in Tunis: England will offer no opposition." This was confirmed by Lord Salisbury in a despatch to Lord Lyons, British ambassador in Paris, on the 8th of August, and it was followed in October by an intimation made by the French ambassador at Rome that France intended to exercise a preponderant influence in Tunis. Italy was not willing to accept this situation. In January 1881 a tour made by King Humbert in Sicily, where he received a Tunisian mission, was taken to signify that Italy had not done with Tunis, and it was answered in April by a French expedition in the regency sent from Algeria, on the pretext of punishing the Kroumirs who had been marauding on the frontier of Constantine. It was on this occasion that M. Barthélemy Saint-Hilaire issued the circular quoted above. France nominally was never at war with Tunis; yet the result of the invasion was that that country became virtually a French possession, although officially it is only under the protection of France. The treaty of El Bardo of the 12th of May 1881, confirmed by the decree of the 22nd of April 1882, placed Tunis under the protectorate of France. The country is administered under the direction of the French Foreign Office, in which there is a department of Tunisian affairs. The governor is called minister resident-general of France, and he also acts as foreign minister, being assisted by seven French and two native ministers.

The annexation of Tunis was important for many reasons. It was the first successful

achievement of France after the disasters of the Franco-German War, and it was the first enterprise of serious utility to France undertaken beyond its frontiers since the early period of the Second Empire. It was also important as establishing the hegemony of France on the southern shores of the Mediterranean. When M. Jules Cambon became governor-general of Algeria, his brother M. Paul Cambon having been previously French resident in Tunis and remaining the vigilant ambassador to a Mediterranean power, a Parisian wit said that just as Switzerland had its *Lac des quatre Cantons*, so France had made of the midland sea its *Lac des deux Cambons*. The *jeu d'esprit* indicated what was the primary significance to the French of their becoming masters of the Barbary coast from the boundary of Morocco to that of Tripoli. Apart from the Mediterranean question, when the scramble for Africa began and the Hinterland doctrine was asserted by European powers, the possession of this extended coast-line resulted in France laying claim to the Sahara and the western Sudan. Consequently, on the maps, the whole of northwest Africa, from Tunis to the Congo, is claimed by France with the exception of the relatively small areas on the coast belonging to Morocco, Spain, Portugal, Liberia, Germany and England. On this basis, in point of area, France is the greatest African power, in spite of British annexations in south and equatorial Africa, its area being estimated at 3,866,950 sq. m. (including 227,950 in Madagascar) as against 2,101,411 more effectively possessed by Great Britain. The immensity of its domain on paper is no doubt a satisfaction to a people which prefers to pursue its policy of colonial expansion without the aid of emigration. The acquisition of Tunis by France is also important as an example of the system of protectorate as applied to colonization. Open annexation might have more gravely irritated the powers having interests in the country. England, in spite of Lord Salisbury's suggestions to the French foreign minister, was none too pleased with France's policy; while Italy, with its subjects outnumbering all other European settlers in the regency, was in a mood to accept a pretext for a quarrel for the reasons already mentioned. Apart from these considerations the

**The protectorate system.**

French government favoured a protectorate because it did not wish to make of Tunis a second Algeria. While the annexation of the latter had excellent commercial results for France, it had not been followed by successful colonization, though it had cost France 160 millions sterling in the first sixty years after it became French territory. The French cannot govern at home or abroad without a centralized system of administration. The organization of Algeria, as departments of France with their administrative divisions, was not an example to imitate. In the beylical government France found, ready-made, a sufficiently centralized system, such as did not exist in Algeria under native rule, which could form a basis of administration by French functionaries under the direction of the Quai d'Orsay. The result has not been unpleasing to the numerous advocates in France of protectorates as a means of colonization. According to M. Paul Leroy-Beaulieu, the most eminent French authority on colonization, who knows Tunis well, a protectorate is the most pacific, the most supple, and the least costly method of colonization in countries where an organized form of native government exists; it is the system in which the French can most nearly approach that of English crown colonies. One evil which it avoids is the so-called representative system, under which senators and deputies are sent to the French parliament not only from Algeria as an integral part of France, but from the colonies of Martinique, Guadeloupe and French India, while Cochin-China, Guiana and Senegal send deputies alone. These sixteen deputies and seven senators attach themselves to the various Moderate, Radical and Socialist groups in parliament, which have no connexion with the interests of the colonies; and the consequent introduction of French political controversies into colonial elections has not been of advantage to the oversea possessions of France. From this the protectorate system has spared Tunis, and the paucity of French immigration will continue to safeguard that country from parliamentary representation. After twenty years of French rule, of 120,000 European residents in Tunis, not counting the army, only 22,000 were French, while nearly 70,000 were Italian. If under a so-called representative system the Italians had demanded nationalization, for the purpose of obtaining the franchise, complications might have arisen which are not to be feared under a protectorate.

But of all the results of the French annexation of Tunis, the most important was undoubtedly the Triple Alliance, into which Italy entered in resentment at having been deprived of the African territory which seemed marked out as its natural field for colonial expansion. The most manifest cause of Italian hostility towards France had passed away four years before the annexation of Tunis, when the reactionaries, who had favoured the restitution of the temporal power of the pope, fell for ever from power. The clericalism of the anti-republicans, who favoured a revival of the fatal policy of the Second Empire whereby France, after Magenta and Solferino, had by leaving its garrison at St Angelo, been the last obstacle to Italian unity, was one of the chief causes of their downfall. For after the war with Germany, the mutilated

**The Triple Alliance.**

land and the vanquished nation had need to avoid wanton provocations of foreign powers. Henceforth the French Republic, governed by Republicans, was to be an anti-clerical force in Europe, sympathizing with the Italian occupation of Rome. But to make Italy realize that France was no longer the enemy of complete Italian unity it would have been necessary that all causes of irritation between the two Latin sister nations were removed. Such causes of dissension did, however, remain, arising from economic questions. The maritime relations of the two chief Mediterranean powers were based on a treaty of navigation of 1862—when Venice was no party to it being an Austrian port—which Crispi denounced as a relic of Italian servility towards Napoleon III. Commercial rivalry was induced by the industrial development of northern Italy, when freed from Austrian rule. Moreover, the emigrant propensity of the Italians flooded certain regions of France with Italian cheap labour, with the natural result of bitter animosity between the intruders and the inhabitants of the districts thus invaded. The annexation of Tunis, coming on the top of these causes of irritation, exasperated Italy. A new treaty of commerce was nevertheless signed between the two countries on the 3rd of November 1881. Unfortunately for its stability, King Humbert the previous week had gone to Vienna to see the emperor of Austria. In visiting in his capital the former arch-enemy of Italian unity, who could never return the courtesy, Rome being interdicted for Catholic sovereigns by the “prisoner of the Vatican,” Humbert had only followed the example of his father Victor Emmanuel, who went both to Berlin and to Vienna in 1873. But that was when in France the duc de Broglie was prime minister of a clerical government of which many of the supporters were clamouring for the restitution of the temporal power. King Humbert’s visit to Vienna at the moment when Gambetta, the great anti-clerical champion, was at the height of his influence was significant for other reasons. Since the 7th of October 1879 Germany and Austria had been united by a defensive treaty, and though its provisions were not published until 1888, the two central empires were known to be in the closest alliance. The king of Italy’s visit to Vienna, where he was accompanied by his ministers Depretis and Mancini, had therefore the same significance as though he had gone to Berlin also. On the 20th of May 1882 was signed the treaty of the Triple Alliance, which for many years bound Italy to Germany in its relations with the continental powers. The alliance was first publicly announced on the 13th of March 1883, in the Italian Chamber, by Signor Mancini, minister for foreign affairs. The aim of Italy in joining the combination was alliance with Germany, the enemy of France. The connexion with Austria was only tolerated because it secured a union with the powerful government of Berlin. It effected the complete isolation of France in Europe. An understanding between the French Republic and Russia, which alone could alter that situation, was impracticable, as its only basis seemed to be the possibility of having a common enemy in Germany or even in England. But that double eventuality was anticipated by a secret convention concluded at Skiernewice in September 1884 by the tsar and the German emperor, in which they guaranteed to one another a benevolent neutrality in case of hostilities between England and Russia arising out of the Afghan question.

It will be convenient here to refer to the relations of France with Germany and Italy respectively in the years succeeding the signature of the Triple Alliance. With Germany both Gambetta, who died ten weeks before the treaty was announced and who was a strong Russophobe, and his adversary Jules Ferry were inclined to come to an understanding. But in this they had not the support of French opinion. In September 1883 the king of Spain had visited the sovereigns of Austria and Germany. Alphonso XII., to prove that this journey was not a sign of hostility to France, came to Paris on his way home on Michaelmas Day on an official visit to President Grévy. Unfortunately it was announced that the German emperor had made the king colonel of a regiment of Uhlans garrisoned at Strassburg, the anniversary of the taking of which city was being celebrated by the emperor by the inauguration of a monument made out of cannon taken from the French, on the very eve of King Alphonso’s arrival. Violent protests were made in Paris in the monarchical and in not a few republican journals, with the result that the king of Spain was hooted by the crowd as he drove with the president from the station to his embassy, and again on his way to dine the same night at the Elysée. The incident was closed by M. Grévy’s apologies and by the retirement of the minister of war, General Thibaudin, who under pressure from the extreme Left had declined to meet *le roi uhlan*. Though it displayed the bitter hostility of the population towards Germany, the incident did not aggravate Franco-German relations. This was due to the policy of the prime minister, Jules Ferry, who to carry it out made himself foreign minister in November, in the place of Challemeil-Lacour, who resigned.

Jules Ferry’s idea was that colonial expansion was the surest means for France to recover its prestige, and that this could be obtained only by maintaining peaceful relations with all the powers of Europe. His consequent unpopularity caused his fall in April 1885, and the next year a violent change of military policy was marked by the arrival of General Boulanger at the ministry of war, where he remained,

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in the Freycinet and Goblet cabinets, from January 1886 to the 17th of May 1887. His growing popularity in France was answered by Bismarck, who asked for an increased vote for the German army, indicating that he considered Boulanger the coming dictator for the war of revenge; so when the Reichstag, on the 14th of January 1887, voted the supplies for three years, instead of for the seven demanded by the chancellor, it was dissolved. Bismarck redoubled his efforts in the press and in diplomacy, vainly attempting to come to an understanding with Russia and with more success moving the Vatican to order the German Catholics to support him. He obtained his vote for seven years in March, and the same month renewed the Triple Alliance. In April the Schnaebelé incident seemed nearly to cause war between France and Germany. The commissary-special, an agent of the ministry of the interior, at Pagny-sur-Moselle, the last French station on the frontier of the annexed territory of Lorraine, having stepped across the boundary to regulate some official matter with the corresponding functionary on the German side, was arrested. It was said that Schnaebelé was arrested actually on French soil, and on whichever side of the line he was standing he had gone to meet the German official at the request of the latter. Bismarck justified the outrage in a speech in the Prussian Landtag which suggested that it was impossible to live at peace with a nation so bellicose as the French. In France the incident was regarded as a trap laid by the chancellor to excite French opinion under the aggressive guidance of Boulanger, and to produce events which would precipitate a war. The French remained calm, in spite of the growing popularity of Boulanger. The Goblet ministry resigned on the 17th of May 1887 after a hostile division on the budget, and the opportunity was taken to get rid of the minister of war, who posed as the coming restorer of Alsace and Lorraine to France. The Boulangist movement soon became anti-Republican, and the opposition to it of successive ministries improved the official relations of the French and German governments. The circumstances attending the fall of President Grévy the same year strengthened the Boulangist agitation, and Jules Ferry, who seemed indicated as his successor, was discarded by the Republican majority in the electoral congress, as a revolution was threatened in Paris if the choice fell on "the German Ferry." Sadi Carnot was consequently elected president of the Republic on the 3rd of December 1887. Three months later, on the 9th of March 1888, died the old emperor William who had personified the conquest of France by Germany. His son, the pacific emperor Frederick, died too, on the 15th of June, so the accession of William II., the pupil of Bismarck, at a moment when Boulanger threatened to become plebiscitary dictator of France, was ominous for the peace of Europe. But in April 1889 Boulanger ignominiously fled the country, and in March 1890 Bismarck fell. France none the less rejected all friendly overtures made by the young emperor. In February 1891 his mother came to Paris and was unluckily induced to visit the scenes of German triumph near the capital—the ruins of St Cloud and the Château of Versailles where the German empire was proclaimed. The incident called forth such an explosion of wrath from the French press that it was clear that France had not forgotten 1871. By this time, however, France was no longer isolated and at the mercy of Germany, which by reason of the increase of its population while that of France had remained almost stationary, was, under the system of compulsory military service in the two countries, more than a match for its neighbour in a single-handed conflict. Even the Triple Alliance ceased to be a terror for France. An understanding arose between France and Russia preliminary to the Franco-Russian alliance, which became the pivot of French exterior relations until the defeat of Russia in the Japanese war of 1904. So the second renewal of the Triplice was forthwith answered by a visit of the French squadron to Kronstadt in July 1891.

While such were the relations between France and the principal party to the Triple Alliance, the same period was marked by bitter dissension between France and Italy. Tunis had made

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Italy Gallophobe, but the diplomatic relations between the two countries had been courteous until the death of Depretis in 1887. When Crispi succeeded him as prime minister, and till 1891 was the director of the exterior policy of Italy, a change took place. Crispi, though not the author of the Triple Alliance, entered with enthusiasm into its spirit of hostility to France. The old Sicilian revolutionary hastened to pay his respects to Bismarck at Friedrichsruh in October 1887, the visit being highly approved in Italy. Before that the French Chamber had, in July 1886, by a small majority, rejected a new treaty of navigation between France and Italy, this being followed by the failure to renew the commercial treaty of 1881. Irritating incidents were of constant occurrence. In 1888 a conflict between the French consul at Massowah and the Italians who occupied that Abyssinian port induced Bismarck to instruct the German ambassador in Paris to tell M. Goblet, minister for foreign affairs in the Floquet cabinet, in case he should refer to the matter, that if Italy were involved thereby in complications it would not stand alone—this menace being communicated to Crispi by the Italian ambassador at Berlin and officially printed in a green-book. But after Bismarck's fall relations improved a little, and in April 1890 the Italian fleet was sent to Toulon to salute President Carnot in the

name of King Humbert, though this did not prevent the French government being suspected of having designs on Tripoli. Italian opinion was again incensed against France by the action of the French clericals, represented by a band of Catholic "pilgrims" who went to Rome to offer their sympathy to the pope in the autumn of 1891, and outraged the burial-place of Victor Emmanuel by writing in the visitors' register kept at the Pantheon the words "*Vive le pape.*" In August 1893 a fight took place at Aigues Mortes, the medieval walled city on the salt marshes of the Gulf of Lyons, between French and Italian workmen, in which seven Italians were killed. But Crispi had gone out of office early in 1891, and the ministers who succeeded him were more disposed to prevent a rupture between Italy and France. Crispi became prime minister again in December 1893, but this time without the portfolio of foreign affairs. He placed at the Consulta Baron Blanc, who though a strong partisan of the Triple Alliance was closely attached to France, being a native of Savoy, where he spent his yearly vacations on French soil. That the relations between the two nations were better was shown by what occurred after the murder of President Carnot in June 1894. The fact that the assassin was an Italian might have caused trouble a little earlier; but the grief of the Italians was so sincere, as shown by popular demonstrations at Rome, that no anti-Italian violence took place in France, and in the words of the French ambassador, M. Billot, Caserio's crime seemed likely to further an understanding between the two peoples. The movement was very slight and made no progress during the short presidency of M. Casimir-Périer. On the 1st of November 1894 Alexander III. died, when the Italian press gave proof of the importance attributed by the Triplice to the Franco-Russian understanding by expressing a hope that the new tsar would put an end to it. But on the 10th of June 1895, the foreign minister, M. Hanotaux, intimated to the French Chamber that the understanding had become an alliance, and on the 17th the Russian ambassador in Paris conveyed to M. Félix Faure, who was now president of the Republic, the collar of St Andrew, while the same day the French and Russian men-of-war, invited to the opening of the Kiel Canal, entered German waters together. The union of France with Russia was no doubt one cause of the cessation of Italian hostility to France; but others were at work. The inauguration of the statue of MacMahon at Magenta the same week as the announcement of the Franco-Russian alliance showed that there was a disposition to revive the old sentiment of fraternity which had once united France with Italy. More important was the necessity felt by the Italians of improved commercial relations with the French. Crispi fell on the 4th of March 1896, after the news of the disaster to the Italian troops at Adowa, the war with Abyssinia being a disastrous legacy left by him. The previous year he had caused the withdrawal from Paris of the Italian ambassador Signor Ressmann, a friend of France, transferring thither Count Tornielli, who during his mission in London had made a speech, after the visit of the Italian fleet to Toulon, which qualified him to rank as a *misogallo*. But with the final disappearance of Crispi the relations of the two Latin neighbours became more natural. Commerce between them had diminished, and the business men of both countries, excepting certain protectionists, felt that the commercial rupture was mutually prejudicial. Friendly negotiations were initiated on both sides, and almost the last act of President Félix Faure before his sudden death—M. Delcassé being then foreign minister—was to promulgate, on the 2nd of February 1899, a new commercial arrangement between France and Italy which the French parliament had adopted. By that time M. Barrère was ambassador at the Quirinal and was engaged in promoting cordial relations between Italy and France, of which Count Tornielli in Paris had already become an ardent advocate. Italy remained a party to the Triple Alliance, which was renewed for a third period in 1902. But so changed had its significance become that in October 1903 the French Republic received for the first time an official visit from the sovereigns of Italy. This reconciliation of France and Italy was destined to have most important results outside the sphere of the Triple Alliance. The return visit which President Loubet paid to Victor Emmanuel III. in April 1904, it being the first time that a French chief of the state had gone to Rome since the pope had lost the temporal sovereignty, provoked a protest from the Vatican which caused the rupture of diplomatic relations between France and the Holy See, followed by the repudiation of the Concordat by an act passed in France, in 1905, separating the church from the state.

While the decadence of the Triple Alliance had this important effect on the domestic affairs of France, its inception had produced the Franco-Russian alliance, which took France out of its isolation in Europe, and became the pivot of its exterior policy. It has been noted that in the years succeeding the Franco-Prussian War the tsar Alexander II. had shown a disposition to support France against German aggression, as though to make up for his neutrality during the war, which was so benevolent for Germany that his uncle William I. had ascribed to it a large share of the German victory. The assassination of Alexander II. by revolutionaries in 1881 made it difficult for the new autocrat to cultivate closer relations with a Republican government, although the Third Republic, under the influence of Gambetta, to whom its consolidation was chiefly due, had repudiated that proselytizing spirit, inherited from the great Revolution, which had

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disquieted the monarchies of Europe in 1848 and had provoked their hostility to the Second Republic. But the Triple Alliance which was concluded the year after the murder of the tsar indicated the possible expediency of an understanding between the two great powers of the West and the East, in response to the combination of the three central powers of Europe,—though Bismarck after his fall revealed that in 1884 a secret treaty was concluded between Germany and Russia, which was, however, said to have in view a war between England and Russia. Internal dissension on the subject of colonial policy in the far East, followed by the fall of Jules Ferry and the Boulangist agitation were some of the causes which prevented France from strengthening its position in Europe by seeking a formal understanding with Russia in the first part of the reign of Alexander III. But when the Boulangist movement came to an end, entirely from the incompetency of its leader, it behoved the government of the Republic to find a means of satisfying the strong patriotic sentiment revealed in the nation, which, directed by a capable and daring soldier, would have swept away the parliamentary republic and established a military dictatorship in its place. The Franco-Russian understanding provided that means, and Russia was ready for it, having become, by the termination in 1890 of the secret treaty with Germany, not less isolated in Europe than France. In July 1891, when the French fleet visited Kronstadt the incident caused such enthusiasm throughout the French nation that the exiled General Boulanger's existence would have been forgotten, except among his dwindling personal followers, had he not put an end to it by suicide two months later at Brussels. The Franco-Russian understanding united all parties, not in love for one another but in the idea that France was thereby about to resume its place in Europe. The Catholic Royalists ceased to talk of the restitution of the temporal power of the pope in their joy at the deference of the government of the republic for the most autocratic monarchy of Christendom; the Boulangists, now called Nationalists, hoped that it would lead to the war of revenge with Germany, and that it might also be the means of humiliating England, as shown by their resentment at the visit of the French squadron to Portsmouth on its way home from Kronstadt. It is, however, extremely improbable that the understanding and subsequent alliance would have been effected had the Boulangist movement succeeded. For the last thing that the Russian government desired was war with Germany. What it needed and obtained was security against German aggression on its frontier and financial aid from France; so a French plebiscitary government, having for its aim the restitution of Alsace and Lorraine, would have found no support in Russia. As the German chancellor, Count von Caprivi, said in the Reichstag on the 27th of November 1891, a few weeks after a Russian loan had been subscribed in France nearly eight times over, the naval visit to Kronstadt had not brought war nearer by one single inch. Nevertheless when in 1893 the Russian fleet paid a somewhat tardy return visit to Toulon, where it was reviewed by President Carnot, a party of Russian officers who came to Paris was received by the population of the capital, which less than five years before had acclaimed General Boulanger, with raptures which could not have been exceeded had they brought back to France the territory lost in 1871. In November 1894, Alexander III. died, and in January 1895, M. Casimir-Périer resigned the presidency of the Republic, to which he had succeeded only six months before on the assassination of M. Carnot. So it was left to Nicholas II. and President Félix Faure to proclaim the existence of a formal alliance between France and Russia. It appears that in 1891 and 1892, at the time of the first public manifestations of friendship between France and Russia, in the words of M. Ribot, secret conventions were signed by him, being foreign minister, and M. de Freycinet, president of the council, which secured for France "the support of Russia for the maintenance of the equilibrium in Europe"; and on a later occasion the same statesman said that it was after the visit of the empress Frederick to Paris in 1891 that Alexander III. made to France certain offers which were accepted. The word "alliance" was not publicly used by any minister to connote the relations of France with Russia until the 10th of June 1895, when M. Hanotaux used the term with cautious vagueness amid the applause of the Chamber of Deputies. Yet not even when Nicholas II. came to France in October 1896 was the word "alliance" formally pronounced in any of the official speeches. But the reception given to the tsar and tsaritsa in Paris, where no European sovereign had come officially since William of Germany passed down the Champs Elysées as a conqueror, was of such a character that none could doubt that this was the consecration of the alliance. It was at last formally proclaimed by Nicholas II., on board a French man-of-war, on the occasion of the visit of the president of the Republic to Russia in August 1897. From that date until the formation of M. Briand's cabinet in 1909, nine different ministries succeeded one another and five ministers of foreign affairs; but they all loyally supported the Franco-Russian alliance, although its popularity diminished in France long before the war between Russia and Japan, which deprived it of its efficacy in Europe. In 1901 Nicholas II. came again to France and was the guest of President Loubet at Compiègne. His visit excited little enthusiasm in the nation, which was disposed to attribute it to Russia's financial need of France; while the Socialists, now a strong party which provided the Waldeck-Rousseau ministry with an important part of its majority in the

Chamber, violently attacked the alliance of the Republic with a reactionary autocracy. However anomalous that may have been it did not prevent the whole French nation from welcoming the friendship between the governments of Russia and of France in its early stages. Nor can there be any doubt that the popular instinct was right in according it that welcome. France in its international relations was strengthened morally by the understanding and by the alliance, which also served as a check to Germany. But its association with Russia had not the results hoped for by the French reactionaries. It encouraged them in their opposition to the parliamentary Republic during the Dreyfus agitation, the more so because the Russian autocracy is anti-Semitic. It also made a Nationalist of one president of the Republic, Félix Faure, whose head was so turned by his imperial frequentations that he adopted some of the less admirable practices of princes, and also seemed ready to assume the bearing of an autocrat. His sudden death was as great a relief to the parliamentary Republicans as it was a disappointment to the plebiscitary party, which anti-Dreyfusism, with its patriotic pretensions, had again made a formidable force in the land. But the election of the pacific and constitutional M. Loubet as president of the Republic at this critical moment in its history counteracted any reactionary influence which the Russian alliance might have had in France; so the general effect of the alliance was to strengthen the Republic and to add to its prestige. The visit of the tsar to Paris, the first paid by a friendly sovereign since the Second Empire, impressed a population, proud of its capital, by an outward sign which seemed to show that the Republic was not an obstacle to the recognition by the monarchies of Europe of the place still held by France among the great powers. Before M. Loubet laid down office the nation, grown more republican, saw the visit of the tsar followed by those of the kings of England and of Italy, who might never have been moved to present their respects to the French Republic had not Russia shown them the way.

While the French rejoiced at the Russian alliance chiefly as a check to the aggressive designs of Germany, they also liked the association of France with a power regarded as hostile to England. This traditional feeling was not discouraged by one of the

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chief artificers of the alliance, Baron Mohrenheim, Russian ambassador in Paris, who until 1884 had filled the same position in London, where he had not learned to love England, and who enjoyed in France a popularity rarely accorded to the diplomatic agent of a foreign power. An *entente cordiale* has since been initiated between England and France. But it is necessary to refer to the less agreeable relations which existed between the two countries, as they had some influence on the exterior policy of the Third Republic. England and France had no causes of friction within Europe. But in its policy of colonial expansion, during the last twenty years of the 19th century, France constantly encountered England all over the globe. The first important enterprise beyond the seas seriously undertaken by France after the Franco-German War, was, as we have seen, in Tunis. But even before that question had been mentioned at the congress of Berlin, in 1878, France had become involved in an adventure in the Far East, which in its developments attracted more public attention at home than the extension of French territory in northern Africa. Had these pages been written before the end of the 19th century it would have seemed necessary to trace the operations of France in Indo-China with not less detail than has been given to the establishment of the protectorate in Tunis. But French hopes of founding a great empire in the Far East came to an end with the partial resuscitation of China and the rise to power of Japan. As we have seen, Jules Ferry's idea was that in colonial expansion France would find the best means of recovering prestige after the defeat of 1870-71 in the years of recuperation when it was essential to be diverted from European complications. Jules Ferry was not a friend of Gambetta, in spite of later republican legends. But the policy of colonial expansion in Tunis and in Indo-China, associated with Ferry's name, was projected by Gambetta to give satisfaction to France for the necessity, imposed, in his opinion, on the French government, of taking its lead in foreign affairs from Berlin. How Jules Ferry developed that system we know now from Bismarck's subsequent expressions of regret at Ferry's fall. He believed that, had Ferry remained in power, an amicable arrangement would have been made between France and Germany, a formal agreement having been almost concluded to the effect that France should maintain peaceable and friendly relations with Germany, while Bismarck supported France in Tunis, in Indo-China and generally in its schemes of oversea colonization. Even though the friendly attitude of Germany towards those schemes was not official the contrast was manifest between the benevolent tone of the German press and that of the English, which was generally hostile. Jules Ferry took his stand on the position that his policy was one not of colonial conquest, but of colonial conservation, that without Tunis, Algeria was insecure, that without Tongking and Annam, there was danger of losing Cochin-China, where the French had been in possession since 1861. It was on the Tongking question that Ferry fell. On the 30th of March 1885, on the news of the defeat of the French troops at Lang-Son, the Chamber refused to vote the money for carrying on the campaign by a majority of 306 to 149. Since that day public opinion in France has

made amends to the memory of Jules Ferry. His patriotic foresight has been extolled. Criticism has not been spared for the opponents of his policy in parliament of whom the most conspicuous, M. Clémenceau and M. Ribot, have survived to take a leading part in public affairs in the 20th century. The attitude of the Parisian press, which compared Lang-Son with Sedan and Jules Ferry with Émile Ollivier, has been generally deplored, as has that of the public which was ready to offer violence to the fallen minister, and which was still so hostile to him in 1887 that the congress at Versailles was persuaded that there would be a revolution in Paris if it elected "the German Ferry" president of the Republic. Nevertheless his adversaries in parliament, in the press and in the street have been justified—not owing to their superior sagacity, but owing to a series of unexpected events which the most foreseeing statesmen of the world never anticipated. The Indo-China dream of Jules Ferry might have led to a magnificent empire in the East to compensate for that which Dupleix lost and Napoleon failed to reconquer.

The Russian alliance, which came at the time when Ferry's policy was justified in the eyes of the public, too late for him to enjoy any credit, gave a new impetus to the French idea of establishing an empire in the Far East. In the opinion of all the prophets of Europe the great international struggle in the near future was to be that of England with Russia for the possession of India. If Russia won, France might have a share in the dismembered Indian empire, of which part of the frontier now marched with that of French Indo-China, since Burma had become British and Tongking French. Such aspirations were not formulated in white-books or in parliamentary speeches. Indeed, the apprehension of difficulty with England limited French ambition on the Siamese frontier. That did not prevent dangerous friction arising between England and France on the question of the Mekong, the river which flows from China almost due south into the China Sea traversing the whole length of French Indo-China, and forming part of the eastern boundary of Upper Burma and Siam. The aim of France was to secure the whole of the left bank of the Mekong, the highway of commerce from southern China. The opposition of Siam to this delimitation was believed by the French to be inspired by England, the supremacy of France on the Mekong river being prejudicial to British commerce with China. The inevitable rivalry between the two powers reached an acute crisis in 1893, the British ambassador in Paris being Lord Dufferin, who well understood the question, upper Burma having been annexed to India under his viceroyalty in 1885. The matter was not settled until 1894, when not only was the French claim to the left bank of the Mekong allowed, but the neutrality of a 25-kilometre zone on the Siamese bank was conceded as open to French trade. It is said that at one moment in July 1893 England and France were more nearly at war than at any other international crisis under the Third Republic, not excluding that of Fashoda, though the acute tension between the governments was unknown to the public.

The Panama affair had left French public opinion in a nervous condition. Fantastic charges were brought not only in the press, but in the chamber of deputies, against newspapers and politicians of having accepted bribes from the British government. At the general election in August and September 1893 M. Clémenceau was pursued into his distant constituency in the Var by a crowd of Parisian politicians, who brought about his defeat less by alleging his connexion with the Panama scandal than by propagating the legend that he was the paid agent of England. The official republic, which changed its prime minister three times and its foreign minister twice in 1893, M. Develle filling that post in the Ribot and Dupuy ministries and M. Casimir-Périer in his own, repudiated with energy the calumnies as to the attempted interference of England in French domestic affairs. But the successive governments were not in a mood to make concessions in foreign questions, as all France was under the glamour of the preliminary manifestations of the Russian alliance. This was seen, a few weeks after the elections, in the wild enthusiasm with which Paris received Admiral Avelane and his officers, who had brought the Russian fleet to Toulon to return the visit of the French fleet to Kronstadt in 1891. The death of Marshal MacMahon, who had won his first renown in the Crimea, and his funeral at the Invalides while the Russians were in Paris, were used to emphasize the fact that the allies before Sebastopol were no longer friends. The projector of the French empire in the Far East did not live to see this phase of the seeming justification of the policy which had cost him place and popularity. Jules Ferry had died on the 17th of March 1893, only three weeks after his triumphant rehabilitation in the political world by his election to the presidency of the Senate, the second post in the state. The year he died it seemed as though with the active aid of Russia and the sympathy of Germany the possessions of France in south-eastern Asia might have indefinitely expanded into southern China. A few years later the defeat of Russia by Japan and the rise of the sea-power of the Japanese practically ended the French empire in Indo-China. What the French already had at the end of the last century is virtually guaranteed to them only by the Anglo-Japanese alliance. It is in the irony of things that these possessions which were a sign of French rivalry with England

should now be secured to France by England's friendliness. For it is now recognized by the French that the defence of Indo-China is impossible.

Had the French dream been realized of a large expansion of territory into southern China, the success of the new empire would have been based on free Chinese labour. This might have counterbalanced an initial obstacle to all French colonial schemes, more important than those which arise from international difficulties—the reluctance of the French to establish themselves as serious colonists in their oversea possessions. We have noted how Algeria, which is nearer to Toulon and Marseilles than are Paris and Havre, has been comparatively neglected by the French, after eighty years of occupation, in spite of the amenity of its climate and its soil for European settlers. The new French colonial school advocates the withdrawal of France from adventures in distant tropical countries which can be reached only by long sea voyages, and the concentration of French activity in the northern half of the African continent. Madagascar is, as we have seen, counted as Africa in computing the area of French colonial territory. But it lies entirely outside the scheme of African colonization, and in spite of the loss of life and money incurred in its conquest, its retention is not popular with the new school, although the first claim of France to it was as long ago as the reign of Louis XIII., when in 1642 a company was founded under the protection of Richelieu for the colonization of the island. The French of the 19th and 20th centuries may well be considered less enterprising in both hemispheres than were their ancestors of the 17th, and Madagascar, after having been the cause of much ill-feeling between England and France under the Third Republic down to the time of its formal annexation, by the law of the 9th of August 1896, is not now the object of much interest among French politicians. On the African continent it is different. When the Republic succeeded to the Second Empire the French African possessions outside Algiers were inconsiderable in area. The chief was Senegal, which though founded as a French station under Louis XIII., was virtually the creation of Faidherbe under the Second Empire, even in a greater degree than were Tunis and Tongking of Jules Ferry under the Third Republic. There was also Gabun, which is now included in French Congo. Those outposts in the tropics became the starting-points for the expansion of a French sphere of influence in north Africa, which by the beginning of the 20th century made France the nominal possessor of a vast territory stretching from the equatorial region on the gulf of Guinea to the Mediterranean. A large portion of it is of no importance, including the once mysterious Timbuktu and the wilds of the waterless Sahara desert. But the steps whereby these wide tracts of wilderness and of valuable territory came to be marked on the maps in French colours, by international agreement, are important, as they were associated with the last serious official dispute between England and France before the period of *entente*. M. Hanotaux, who was foreign minister for the then unprecedented term of four years, from 1894 to 1898, with one short interval of a few months, has thrown an instructive light on the feeling with which French politicians up to the end of the 19th century regarded England. He declared in 1909, with the high authority of one who was during years of Anglo-French tension the mouthpiece of the Republic in its relations with other powers, that every move in the direction of colonial expansion made by France disquieted and irritated England. He complained that when France, under the stimulating guidance of Jules Ferry, undertook the reconstitution of an oversea domain, England barred the way—in Egypt, in Tunis, in Madagascar, in Indo-China, in the Congo, in Oceania. Writing with the knowledge of an ex-foreign minister, who had enjoyed many years of retirement to enable him to weigh his words, M. Hanotaux asserted without any qualification that when he took office England “had conceived a triple design, to assume the position of heir to the Portuguese possessions in Africa, to destroy the independence of the South African republics, and to remain in perpetuity in Egypt.” We have not to discuss the truth of those propositions, we have only to note the tendency of French policy; and in so doing it is useful to remark that the official belief of the Third Republic in the last period of the 19th century was that England was the enemy of French colonial expansion all over the globe, and that in the so-called scramble for Africa English ambition was the chief obstacle to the schemes of France. M. Hanotaux, with the authority of official knowledge, indicated that the English project of a railway from the Cape of Good Hope to Cairo was the provocation which stimulated the French to essay a similar adventure; though he denied that the Marchand mission and other similar expeditions about to be mentioned were conceived with the specific object of preventing the accomplishment of the British plan. The explorations of Stanley had demonstrated that access to the Great Lakes and the Upper Nile could be effected as easily from the west coast of Africa as from other directions. The French, from their ancient possession of Gabun, had extended their operations far to the east, and had by treaties with European powers obtained the right bank of the Ubanghi, a great affluent of the Congo, as a frontier between their territory and that of the Congo Independent State. They thus found themselves, with respect to Europe, in possession of a region which approached

**African policy.**

**French and English rivalry.**

the valley of the Upper Nile. Between the fall of Jules Ferry in 1885 and the beginning of the Russian alliance came a period of decreased activity in French colonial expansion. The unpopularity of the Tongking expedition was one of the causes of the popularity of General Boulanger, who diverted the French public from distant enterprises to a contemplation of the German frontier, and when Boulangism came to an end the Panama affair took its place in the interest it excited. But the colonial party in France did not lose sight of the possibility of

**Upper Nile  
exploration.**

establishing a position on the Upper Nile. The partition of Africa seemed to offer an occasion for France to take compensation for the English occupation of Egypt. In 1892 the Budget Commission, on the proposal of M. Étienne, deputy for Oran, who had three times been colonial under secretary, voted 300,000 francs for the despatch of a mission to explore and report on those regions, which had not had much attention since the days of Emin. But the project was not then carried out. Later, parliament voted a sum six times larger for strengthening the French positions on the Upper Ubanghi and their means of communication with the coast. But Colonel Monteil's expedition, which was the consequence of this vote, was diverted, and the 1,800,000 francs were spent at Loango, the southern port of French Congo, and on the Ivory Coast, the French territory which lies between Liberia and the British Gold Coast Colony, where a prolonged war ensued with Samory, a Nigerian chieftain. In September 1894, M. Delcassé being colonial minister, M. Liotard was appointed commissioner of the Upper Ubanghi with instructions to extend French influence in the Bahr-el-Ghazal up to the Nile. In addition to official missions, numerous expeditions of French explorers took place in Central Africa during this period, and negotiations were continually going on between the British and French governments. Towards the end of 1895 Lord Salisbury, who had succeeded Lord Kimberley at the foreign office, informed Baron de Courcel, the French ambassador, that an expedition to the Upper Nile was projected for the purpose of putting an end to Mahdism. M. Hanotaux was not at this moment minister of foreign affairs. He had been succeeded by M. Berthelot, the eminent chemist, who resigned that office on the 26th of March 1896, a month before the fall of the Bourgeois cabinet of which he was a member, in consequence of a question raised in the chamber on this subject of the English expedition to the Soudan. According to M. Hanotaux, who returned to the Quai d'Orsay, in the Méline ministry, on the 29th of April 1896, Lord Salisbury at the end of the previous year, in announcing the expedition confidentially to M. de Courcel, had assured him that it would not go beyond Dongola without a preliminary understanding with France. There must have been a misunderstanding on this point, as after reaching Dongola in September 1896 the Anglo-Egyptian army proceeded up the Nile in the direction of Khartoum. Before M. Hanotaux

**Marchand  
mission.**

resumed office the Marchand mission had been formally planned. On the 24th of February 1896 M. Guieysse, colonial minister in the Bourgeois ministry, had signed Captain Marchand's instructions to the effect that he must march through the Upper Ubanghi, in order to extend French influence as far as the Nile, and try to reach that river before Colonel Colville, who was leading an expedition from the East. He was also advised to conciliate the Mahdi if the aim of the mission could be benefited thereby. M. Liotard was raised to the rank of governor of the Upper Ubanghi, and in a despatch to him the new colonial minister, M. André Lebon, wrote that the Marchand mission was not to be considered a military enterprise, it being sent out with the intention of maintaining the political line which for two years M. Liotard had persistently been following, and of which the establishment of France in the basin of the Nile ought to be the crowning reward. Two days later, on the 25th of June 1896, Captain Marchand embarked for Africa. This is not the place for a description of his adventures in

**Fashoda.**

crossing the continent or when he encountered General Kitchener at Fashoda, two months after his arrival there in July 1898 and a fortnight after the battle of Omdurman and the capture of Khartoum. The news was made known to Europe by the sirdar's telegrams to the British government in September announcing the presence of the French mission at Fashoda. Then ensued a period of acute tension between the French and English governments, which gave the impression to the public that war between the two countries was inevitable. But those who were watching the situation in France on the spot knew that there was no question of fighting. France was unprepared, and was also involved in the toils of the Dreyfus affair. Had the situation been that of a year later, when the French domestic controversy was ending and the Transvaal War beginning, England might have been in a very difficult position. General Kitchener declined to recognize a French occupation of any part of the Nile valley. A long discussion ensued between the British and French governments, which was ended by the latter deciding on the 6th of November 1898 not to maintain the Marchand mission at Fashoda. Captain Marchand refused to return to Europe by way of the Nile and Lower Egypt, marching across Abyssinia to Jibuti in French Somaliland, where he embarked for France. He was received with well-merited enthusiasm in Paris. But the most remarkable feature of his reception was that the

ministry became so alarmed lest the popularity of the hero of Fashoda should be at the expense of that of the parliamentary republic, that it put an end to the public acclamations by despatching him secretly from the capital—a somewhat similar treatment having been accorded to General Dodds in 1893 on his return to France after conquering Dahomey. The Marchand mission had little effect on African questions at issue between France and Great

**Convention  
of 1898.**

Britain, as a great settlement had been effected while it was on its way across the continent. On the 14th of June 1898, the day before the fall of the Méline ministry, when M. Hanotaux finally quitted the Quai d'Orsay, a convention of general delimitation was signed at Paris by that minister and by the British ambassador, Sir Edmund Monson, which as regards the respective claims of England and France covered in its scope the whole of the northern half of Africa from Senegambia and the Congo to the valley of the Nile. Comparatively little attention was paid to it amid the exciting events which followed, so little that M. de Courcel has officially recorded that three months later, on the eve of the Fashoda incident, Lord Salisbury declared to him that he was not sufficiently acquainted with the geography of Africa to express an opinion on certain questions of delimitation arising out of the success of the British expedition on the Upper Nile. The convention of June 1898 was, however, of the highest importance, as it affirmed the junction into one vast territory of the three chief African domains of France, Algeria and Tunis, Senegal and the Niger, Chad and the Congo, thus conceding to France the whole of the north-western continent with the exception of Morocco, Liberia and the European colonies on the Atlantic. This arrangement, which was completed by an additional convention on the 21st of March 1899, made Morocco a legitimate object of French ambition.

The other questions which caused mutual animosity between England and France in the decline of the 19th century had nothing whatever to do with their conflicting international

**The entente  
with England.**

interests. The offensive attitude of the English press towards France on account of the Dreyfus affair was repaid by the French in their criticism of the Boer War. When those sentimental causes of mutual irritation had become less acute, the press of the two countries was moved by certain influences to recognize that it was in their interest to be on good terms with one another. The importance of their commercial relations was brought into relief as though it were a new fact. At last in 1903 state visits between the rulers of England and of France took place in their respective capitals, for the first time since the early days of the Second Empire, followed by an Anglo-French convention signed on the 8th of April 1904. By this an arrangement was come to on outstanding questions of controversy between England and France in various parts of the world. France undertook not to interfere with the action of England in Egypt, while England made a like undertaking as to French influence in Morocco. France conceded certain of its fishing rights in Newfoundland which had been a perpetual source of irritation between the two countries for nearly two hundred years since the treaty of Utrecht of 1713. In return England made several concessions to France in Africa, including that of the Los Islands off Sierra Leone and some rectifications of frontier on the Gambia and between the Niger and Lake Chad. Other points of difference were arranged as to Siam, the New Hebrides and Madagascar. The convention of 1904 was on the whole more advantageous for England than for France. The free hand which England conceded to France in dealing with Morocco was a somewhat burdensome gift owing to German interference; but the incidents which arose from the Franco-German conflict in that country are as yet too recent for any estimate of their possible consequences.

One result was the retirement of M. Delcassé from the foreign office on the 6th of June 1905. He had been foreign minister for seven years, a consecutive period of rare length, only once exceeded in England since the creation of the office, when Castlereagh

**The work of  
M. Delcassé.**

held it for ten years, and one of prodigious duration in the history of the Third Republic. He first went to the Quai d'Orsay in the Brisson ministry of June 1898, remained there during the Dupuy ministry of the same year, was reappointed by M. Waldeck-Rousseau in his cabinet which lasted from June 1899 to June 1902, was retained in the post by M. Combes till his ministry fell in January 1905, and again by his successor M. Rouvier till his own resignation in June of that year. M. Delcassé had thus an uninterrupted reign at the foreign office during a long critical period of transition both in the interior politics of France and in its exterior relations. He went to the Quai d'Orsay when the Dreyfus agitation was most acute, and left it when parliament was absorbed in discussing the separation of church and state. He saw the Franco-Russian alliance lose its popularity in the country even before the Russian defeat by the Japanese in the last days of his ministry. Although in the course of his official duties at the colonial office he had been partly responsible for some of the expeditions sent to Africa for the purpose of checking British influence, he was fully disposed to pursue a policy which might lead to a friendly understanding with England. In this he differed from M. Hanotaux, who was essentially the

man of the Franco-Russian alliance, owing to it much of his prestige, including his election to the French Academy, and Russia, to which he gave exclusive allegiance, was then deemed to be primarily the enemy of England. M. Delcassé on the contrary, from the first, desired to assist a *rapprochement* between England and Russia as preliminary to the arrangement he proposed between England and France. He was foreign minister when the tsar paid his second visit to France, but there was no longer the national unanimity which welcomed him in 1896, M. Delcassé also accompanied President Loubet to Russia when he returned the tsar's second visit in 1902. But exchange of compliments between France and Russia were no longer to be the sole international ceremonials within the attributes of the French foreign office; M. Delcassé was minister when the procession of European sovereigns headed by the kings of England and of Italy in 1903 came officially to Paris, and he went with M. Loubet to London and to Rome on the president's return visits to those capitals—the latter being the immediate cause of the rupture of the concordat with the Vatican, though M. Delcassé was essentially a concordatory minister. His retirement from the Rouvier ministry in June 1905 was due to pressure from Germany in consequence of his opposition to German interference in Morocco. His resignation took place just a week after the news had arrived of the destruction of the Russian fleet by the Japanese, which completed the disablement of the one ally of France. The impression was current in France that Germany wished to give the French nation a fright before the understanding with England had reached an effective stage, and it was actually believed that the resignation of M. Delcassé averted a declaration of war. Although that belief revived to some extent the fading enmity of the French towards the conquerors of Alsace-Lorraine, the fear which accompanied it moved a considerable section of the nation to favour an understanding with Germany in preference to, or even at the expense of, friendly relations with England. M. Clémenceau, who only late in life came into office, and attained it at the moment when a better understanding with England was progressing, had been throughout his long career, of all French public men in all political groups, the most consistent friend of England. His presence at the head of affairs was a guarantee of amicable Anglo-French relations, so far as they could be protected by statesmanship.

By reason of the increased duration and stability of ministries, the personal influence of ministers in directing the foreign policy of France has in one sense become greater in the 20th century than in those earlier periods when France had first to recuperate its strength after the war and then to take its exterior policy from Germany. Moreover, not only have cabinets lasted longer, but the foreign minister has often been retained in a succession of them. Of the thirty years which in 1909 had elapsed since Marshal MacMahon retired and the republic was governed by republicans, in the first fifteen years from 1879 to 1894 fourteen different persons held the office of minister of foreign affairs, while six sufficed for the fifteen years succeeding the latter date. One must not, however, exaggerate the effect of this greater stability in office-holding upon continuity of policy, which was well maintained even in the days when there was on an average a new foreign minister every year. Indeed the most marked breach in the continuity of the foreign policy of France has been made in that later period of long terms of office, which, with the repudiation of the Concordat, has seen the withdrawal of the French protectorate over Roman Catholic missions in the East—though it is too soon to estimate the result. In another respect France has under the republic departed a long way from a tradition of the Quai d'Orsay. It no longer troubles itself on the subject of nationalities. Napoleon III., who had more French temperament than French blood in his constitution, was an idealist on this question, and one of the causes of his own downfall and the defeat of France was his sympathy in this direction with German unity. Since Sedan little has been done in France to further the doctrine of nationalities. A faint echo of it was heard during the Boer war, but French sympathy with the struggling Dutch republics of South Africa was based rather on anti-English sentiment than on any abstract theory.

(J. E. C. B.)

BIBLIOGRAPHY OF FRENCH HISTORY.—The scientific study of the history of France only begins with the 16th century. It was hampered at first by the traditions of the middle ages and by a servile imitation of antiquity. Paulus Aemilius of Verona (*De rebus gestis Francorum*, 1517), who may be called the first of modern historians, merely applies the oratorical methods of the Latin historiographers. It is not till the second half of the century that history emancipates itself; Catholics and Protestants alike turn to it for arguments in their religious and political controversies. François Hotman published (1574) his *Franco-Gallia*; Claude Fauchet his *Antiquités gauloises et françaises* (1579); Étienne Pasquier his *Recherches de la France* (1611), "the only work of erudition of the 16th century which one can read through without being bored." Amateurs like Petau, A. de Thou, Bongars and Peiresc collected libraries to which men of learning went to draw their knowledge of the past; Pierre Pithou, one of the authors of the *Satire Ménippée*, published the earliest annals of France (*Annales Francorum*, 1588, and *Historiae Francorum scriptores coetanei XI.*, 1596), Jacques Bongars collected in

his *Gesta Dei per Francos* (1611-1617) the principal chroniclers of the Crusades. Others made a study of chronology like J.J. Scaliger (*De emendatione temporum*, 1583; *Thesaurus temporum*, 1606), sketched the history of literature, like François Grudé, sieur of La Croix in Maine (*Bibliothèque française*, 1584), and Antoine du Verdier (*Catalogue de tous les auteurs qui ont écrit ou traduit en français*, 1585), or discussed the actual principles of historical research, like Jean Bodin (*Methodus ad facilem historiarum cognitionem*, 1566) and Henri Lancelot Voisin de La Popelinière (*Histoire des histoires*, 1599).

But the writers of history are as yet very inexpert; the *Histoire générale des rois de France* of Bernard de Girard, seigneur de Haillan (1576), the *Grandes Annales de France* of François de Belleforest (1579), the *Inventaire général de l'histoire de France* of Jean de Serres (1597), the *Histoire générale de France depuis Pharamond* of Scipion Duplex (1621-1645), the *Histoire de France* (1643-1651) of François Eudes de Mézeray, and above all his *Abrégé chronologique de l'histoire de France* (1668), are compilations which were eagerly read when they appeared, but are worthless nowadays. Historical research lacked method, leaders and trained workers; it found them all in the 17th century, the golden age of learning which was honoured alike by laymen, priests and members of the monastic orders, especially the Benedictines of the congregation of St Maur. The publication of original documents was carried on with enthusiasm. To André Duchesne we owe two great collections of chronicles: the *Historiae Normannorum scriptores antiqui* (1619) and the *Historiae Francorum scriptores*, continued by his son François (5 vols., 1636-1649). These publications were due to a part only of his prodigious activity; his papers and manuscripts, preserved in the Bibliothèque Nationale at Paris, are an inexhaustible mine. Charles du Fresne, seigneur du Cange, published Villehardouin (1657) and Joinville (1668); Étienne Baluze, the *Capitularia regum Francorum* (1674), the *Nova collectio conciliorum* (1677), the *Vitae paparum Avenionensium* (1693). The clergy were very much aided in their work by their private libraries and by their co-operation; Père Philippe Labbe published his *Bibliotheca nova manuscriptorum* (1657), and began (1671) his *Collection des conciles*, which was successfully completed by his colleague Père Cossart (18 vols.). In 1643 the Jesuit Jean Bolland brought out vol. i. of the *Acta sanctorum*, a vast collection of stories and legends which has not yet been completed beyond the 4th of November. (See BOLLANDISTS.) The Benedictines, for their part, published the *Acta sanctorum ordinis sancti Benedicti* (9 vols., 1668-1701). One of the chief editors of this collection, Dom Jean Mabillon, published on his own account the *Vetera analecta* (4 vols., 1675-1685) and prepared the *Annales ordinis sancti Benedicti* (6 vols., 1703-1793). To Dom Thierry Ruinart we owe good editions of Gregory of Tours and Fredegarius (1699). The learning of the 17th century further inaugurated those specialized studies which are important aids to history. Mabillon in his *De re diplomatica* (1681) creates the science of documents or diplomatics. Adrien de Valois lays a sound foundation for historical geography by his critical edition of the *Notitia Galliarum* (1675). Numismatics finds an enlightened pioneer in François Leblanc (*Traité historique des monnaies de France*, 1690). Du Cange, one of the greatest of the French scholars who have studied the middle ages, has defined terms bearing on institutions in his *Glossarium mediae et infimae latinitatis* (1678), recast by the Benedictines (1733), with an important supplement by Dom Carpentier (1768), republished twice during the 19th century, with additions, by F. Didot (1840-1850), and by L. Favre at Niort (1883-1888); this work is still indispensable to every student of medieval history. Finally, great biographical or bibliographical works were undertaken; the *Gallia christiana*, which gave a chronological list of the archbishops, bishops and abbots of the Gauls and of France, was compiled by two twin brothers, Scévole and Louis de Sainte-Marthe, and by the two sons of Louis (4 vols., 1656); a fresh edition, on a better plan, and with great additions, was begun in 1715 by Denys de Sainte-Marthe, continued throughout the 18th century by the Benedictines, and finished in the 19th century by Barthélemy Hauréau (1856-1861).

As to the nobility, a series of researches and publications, begun by Pierre d'Hozier (d. 1660) and continued well on into the 19th century by several of his descendants, developed into the *Armorial général de la France*, which was remodelled several times. A similar work, of a more critical nature, was carried out by Père Anselme (*Histoire généalogique de la maison de France et des grands officiers de la couronne*, 1674) and by Père Ange and Père Simplicien, who completed the work (3rd ed. in 9 vols., 1726-1733). Critical bibliography is especially represented by certain Protestants, expelled from France by the revocation of the Edict of Nantes. Pierre Bayle, the sceptic, famous for his *Dictionnaire critique* (1699), which is in part a refutation of the *Dictionnaire historique et géographique* published in 1673 by the Abbé Louis Moréri, was the first to publish the *Nouvelles de la république des lettres* (1684-1687), which was continued by Henri Basnage de Beauval under the title of *Histoire des ouvrages des savants* (24 vols.). In imitation of this, Jean Le Clerc successively edited a *Bibliothèque universelle et historique* (1686-1693), a *Bibliothèque choisie* (1703-1713), and a *Bibliothèque ancienne et moderne* (1714-1727). These were the first of our "periodicals."

The 18th century continues the traditions of the 17th. The Benedictines still for some time hold the first place. Dom Edmond Martène visited numerous archives (which were then closed) in France and neighbouring countries, and drew from them the material for two

important collections: *Thesaurus novus anecdotorum* (9 vols., 1717, in collaboration with Dom Ursin Durand) and *Veterum scriptorum collectio* (9 vols., 1724-1733). Dom Bernard de Montfaucon also travelled in search of illustrated records of antiquity; private collections, among others the celebrated collection of Gaignières (now in the Bibliothèque Nationale), provided him with the illustrations which he published in his *Monuments de la monarchie française* (5 vols., 1729-1733). The text is in two languages, Latin and French. Dom Martin Bouquet took up the work begun by the two Duchesnes, and in 1738 published vol. i. of the *Historians of France (Rerum Gallicarum et Francicarum scriptores)*, an enormous collection which was intended to include all the sources of the history of France, grouped under centuries and reigns. He produced the first eight volumes himself; his work was continued by several collaborators, the most active of whom was Dom Michel J. Brial, and already comprised thirteen volumes when it was interrupted by the Revolution. In 1733, Antoine Rivet de La Grange produced vol. i. of the *Histoire littéraire de la France*, which in 1789 numbered twelve volumes. While Dom C. François Toustaint and Dom René Prosper Tassin published a *Nouveau Traité de diplomatique* (6 vols., 1750-1765), others were undertaking the *Art de vérifier les dates* (1750; new and much enlarged edition in 1770). Still others, with more or less success, attempted histories of the provinces.

In the second half of the 18th century, the ardour of the Benedictines of St Maur diminished, and scientific work passed more and more into the hands of laymen. The Académie des Inscriptions et Belles-lettres, founded in 1663 and reorganized in 1701, became its chief instrument, numbering among its members Denis François Secousse, who continued the collection of *Ordonnances des rois de France*, begun (1723) by J. de Laurière; J.-B. de La Curne de Sainte Palaye (*Mémoires sur l'ancienne chevalerie*, 1759-1781; *Glossaire de la langue française depuis son origine jusqu'à la fin de Louis XIV*, printed only in 1875-1882); J.-B. d'Anville (*Notice sur l'ancienne Gaule tirée des monuments*, 1760); and L.G. de Bréquigny, the greatest of them all, who continued the publication of the *Ordonnances*, began the *Table chronologique des diplômes concernant l'histoire de France* (3 vols., 1769-1783), published the *Diplomata, chartae, ad res Francicas spectantia* (1791, with the collaboration of La Porte du Theil), and directed fruitful researches in the archives in London, to enrich the *Cabinet des chartes*, where Henri Bertin (1719-1792), an enlightened minister of Louis XV., had in 1764 set himself the task of collecting the documentary sources of the national history. The example set by the religious orders and the government bore fruit. The general assembly of the clergy gave orders that its *Procès verbaux* (9 vols., 1767-1789) should be printed; some of the provinces decided to have their history written, and mostly applied to the Benedictines to have this done. Brittany was treated by Dom Lobineau (1707) and Dom Morice (1742); the duchy of Burgundy by Dom Urbain Plancher (1739-1748); Languedoc by Dom Dominique Vaissète (1730-1749, in collaboration with Dom Claude de Vic; new ed. 1873-1893); for Paris, its secular history was treated by Dom Michel Félibien and Dom Lobineau (1725), and its ecclesiastical history by the abbé Lebeuf (1745-1760; new ed. 1883-1890).

This ever-increasing stream of new evidence aroused curiosity, gave rise to pregnant comparisons, developed and sharpened the critical sense, but further led to a more and more urgent need for exact information. The Académie des Inscriptions brought out its *Histoire de l'Académie avec les mémoires de littérature tirés de ses registres* (vol. i. 1717; 51 vols. appeared before the Revolution, with five indexes; *vide* the *Bibliographie* of Lasteyrie, vol. iii. pp. 256 et seq.). Other collections, mostly of the nature of bibliographies, were the *Journal des savants* (111 vols., from 1665 to 1792; *vide* the *Table méthodique* by H. Cocheris, 1860); the *Journal de Trévoux*, or *Mémoires pour l'histoire des sciences et des beaux-arts*, edited by Jesuits (265 vols., 1701-1790); the *Mercure de France* (977 vols., from 1724 to 1791). To these must be added the dictionaries and encyclopaedias: the *Dictionnaire de Moréri*, the last edition of which numbers 10 vols. (1759); the *Dictionnaire géographique, historique et politique des Gaules et de la France*, by the abbé J.J. Expilly (6 vols., 1762-1770; unfinished); the *Répertoire universel et raisonné de jurisprudence civile, criminelle, canonique et bénéficiale*, by Guyot (64 vols., 1775-1786; supplement in 17 vols., 1784-1785), reorganized and continued by Merlin de Douai, who was afterwards one of the *Montagnards*, a member of the Directory, and a count under the Empire.

The historians did not use to the greatest advantage the treasures of learning provided for them; they were for the most part superficial, and dominated by their political or religious prejudices. Thus works like that of Père Gabriel Daniel (*Histoire de France*, 3 vols., 1713), of Président Hénault (*Abrégé chronologique*, 1744; 25 editions between 1770 and 1834), of the abbé Paul François Velly and those who completed his work (*Histoire de France*, 33 vols., 1765 to 1783), of G.H. Gaillard (*Histoire de la rivalité de la France et de l'Angleterre*, 11 vols., 1771-1777), and of L.P. Anquetil (1805), in spite of the brilliant success with which they met at first, have fallen into a just oblivion. A separate place must be given to the works of the theorists and philosophers: *Histoire de l'ancien gouvernement de la France*, by the Comte de Boulainvilliers (1727), *Histoire critique de l'établissement de la monarchie française dans les deux Gaules*, by the abbé J.B. Dubos (1734); *L'Esprit des lois*, by the président de Montesquieu (1748); the *Observations sur l'histoire de France*, by the abbé de Mably (1765);

the *Théorie de la politique de la monarchie française*, by Marie Pauline de Lézardière (1792). These works have, if nothing else, the merit of provoking reflection.

At the time of the Revolution this activity was checked. The religious communities and royal academies were suppressed, and France violently broke with even her most recent past, which was considered to belong to the *ancien régime*. When peace was re-established, she began the task of making good the damage which had been done, but a greater effort was now necessary in order to revive the spirit of the institutions which had been overthrown. The new state, which was, in spite of all, bound by so many ties to the former order of things, seconded this effort, and during the whole of the 19th century, and even longer, had a strong influence on historical production. The section of the Institut de France, which in 1816 assumed the old name of Académie des Inscriptions et Belles-lettres, began to reissue the two series of the *Mémoires* and of the *Notices et extraits des manuscrits tirés de la bibliothèque royale* (the first volume had appeared in 1787); began (1844) that of the *Mémoires présentés par divers savants* and the *Comptes rendus* (subject index 1857-1900, by G. Ledos, 1906); and continued the *Recueil des historiens de France*, the plan of which was enlarged by degrees (*Historiens des croisades, obituaires, pouillés, comptes, &c.*), the *Ordonnances* and the *Table chronologique des diplômes*. During the reign of Louis Philippe, the ministry of the interior reorganized the administration of the archives of the departments, communes and hospitals, of which the *Inventaires sommaires* are a mine of precious information (see the *Rapport au ministre*, by G. Servois, 1902). In 1834 the ministry of public instruction founded a committee, which has been called since 1881 the Comité des Travaux historiques et scientifiques, under the direction of which have been published: (1) the *Collection des documents inédits relatifs à l'histoire de France* (more than 260 vols. have appeared since 1836); (2) the *Catalogue général des manuscrits des bibliothèques de France*; (3) the *Dictionnaires topographiques* (25 vols. have appeared); and the *Répertoires archéologiques* of the French departments (8 vols. between 1861 and 1888); (4) several series of *Bulletins*, the details of which will be found in the *Bibliographie* of Lasteyrie. At the same time were founded or reorganized, both in Paris and the departments, numerous societies, devoted sometimes partially and sometimes exclusively to history and archaeology; the Académie Celtique (1804), which in 1813 became the Société des Antiquaires de France (general index by M. Prou, 1894); the Société de l'Histoire de France (1834); the Société de l'École des Chartes (1839); the Société de l'Histoire de Paris et de l'Île-de-France (1874; four decennial indexes), &c. The details will be found in the excellent *Bibliographie générale des travaux historiques et archéologiques publiés par les sociétés savantes de France*, which has appeared since 1885 under the direction of Robert de Lasteyrie.

Individual scholars also associated themselves with this great literary movement. Guizot published a *Collection de mémoires relatifs à l'histoire de France* (31 vols., 1824-1835); Buchon, a *Collection des chroniques nationales françaises écrites en langue vulgaire du XIII<sup>e</sup> au XVI<sup>e</sup> siècle* (47 vols., 1824-1829), and a *Choix de chroniques et mémoires sur l'histoire de France* (14 vols., 1836-1841); Petitot and Monmerqué, a *Collection de mémoires relatifs à l'histoire de France* (131 vols., 1819-1829); Michaud and Poujoulat, a *Nouvelle Collection de mémoires pour servir à l'histoire de France* (32 vols., 1836-1839); Barrière and de Lescure, a *Bibliothèque de mémoires relatifs à l'histoire de France pendant le XVIII<sup>e</sup> siècle* (30 vols., 1855-1875); and finally Berville and Barrière, a *Collection des mémoires relatifs à la Révolution Française* (55 vols., 1820-1827). The details are to be found in the *Sources de l'histoire de France*, by Alfred Franklin (1876). The abbé J.P. Migne in his *Patrologia Latina* (221 vols., 1844-1864), re-edited a number of texts anterior to the 13th century. Under the second empire, the administration of the imperial archives at Paris published ten volumes of documents (*Monuments historiques*, 1866; *Layettes du trésor des chartes*, 1863, which were afterwards continued up to 1270; *Actes du parlement de Paris*, 1863-1867), not to mention several volumes of *Inventaires*. The administration of the Bibliothèque impériale had printed the *Catalogue général de l'histoire de France* (10 vols., 1855-1870; vol. xi., containing the alphabetical index to the names of the authors, appeared in 1895). Other countries also supplied a number of useful texts; there is much in the English Rolls series, in the collection of *Chroniques belges*, and especially in the *Monumenta Germaniae historica*.

At the same time the scope of history and its auxiliary sciences becomes more clearly defined; the École des Chartes produces some excellent palaeographers, as for instance Natalis de Wailly (*Éléments de paléographie*, 1838), and L. Delisle (*q.v.*), who has also left traces of his profound researches in the most varied departments of medieval history (*Bibliographie des travaux de M. Léopold Delisle*, 1902); Anatole de Barthélemy made a study of coins and medals, Douët d'Arcq and G. Demay of seals. The works of Alexandre Lenoir (*Musée des monuments français*, 1800-1822), of Arcisse de Caumont (*Histoire de l'architecture du moyen âge*, 1837; *Abécédaire ou rudiment d'archéologie*, 1850), of A. Napoléon Didron (*Annales archéologiques*, 1844), of Jules Quicherat (*Mélanges d'archéologie et d'histoire*, published after his death, 1886), and the dictionaries of Viollet le Duc (*Dictionnaire raisonné de l'architecture française*, 1853-1868; *Dictionnaire du mobilier français*, 1855) displayed to the best advantage one of the most brilliant sides of the French

intellect, while other sciences, such as geology, anthropology, the comparative study of languages, religions and folk-lore, and political economy, continued to enlarge the horizon of history. The task of writing the general history of a country became more and more difficult, especially for one man, but the task was none the less undertaken by several historians, and by some of eminence. François Guizot treated of the *Histoire de la civilisation en France* (1828-1830); Augustin Thierry after the *Récits des temps mérovingiens* (1840) published the *Monuments de l'histoire du tiers état* (1849-1856), the introduction to which was expanded into a book (1855); Charles Simonde de Sismondi produced a mediocre *Histoire des français* in 31 vols. (1821-1844), and Henri Martin a *Histoire de France* in 16 vols. (1847-1854), now of small use except for the two or three last centuries of the *ancien régime*. Finally J. Michelet, in his *Histoire de France* (17 vols., 1833-1856) and his *Histoire de la Révolution* (7 vols., 1847-1853), aims at reviving the very soul of the nation's past.

After the Franco-German War begins a better organization of scientific studies, modelled on that of Germany. The *École des Hautes Études*, established in 1868, included in its programme the critical study of the sources, both Latin and French, of the history of France; and from the *séminaire* of Gabriel Monod came men of learning, already prepared by studying at the *École des Chartes*: Paul Viollet, who revived the study of the history of French law; Julien Havet, who revived that of Merovingian diplomatics; Arthur Giry, who resumed the study of municipal institutions where it had been left by A. Thierry, prepared the *Annales carolingiennes* (written by his pupils, Eckel, Favre, Lauer, Lot, Poupardin), and brought back into honour the study of diplomatics (*Manuel de diplomatique*, 1894); Auguste Molinier, author of the *Sources de l'histoire de France* (1902-1904; general index, 1906), &c. Auguste Longnon introduced at the *École des Hautes Études* the study of historical geography (*Atlas historique de la France*, in course of publication since 1888). The universities, at last reorganized, popularized the employment of the new methods. The books of Fustel de Coulanges and Achille Luchaire on the middle ages, and those of A. Aulard on the revolution, gave a strong, though well-regulated, impetus to historical production. The *École du Louvre* (1881) increased the value of the museums and placed the history of art among the studies of higher education, while the *Musée archéologique* of St-Germain-en-Laye offered a fruitful field for research on Gallic and Gallo-Roman antiquities. Rich archives, hitherto inaccessible, were thrown open to students; at Rome those of the Vatican (*Registres pontificaux*, published by students at the French school of archaeology, since 1884); at Paris, those of the Foreign Office (*Recueil des instructions données aux ambassadeurs depuis le traité de Westphalie*, 16 vols., 1885-1901; besides various collections of diplomatic papers, inventories, &c.). Those of the War Office were used by officers who published numerous documents bearing on the wars of the Revolution and the Empire, and on that of 1870-1871. In 1904 a commission, generously endowed by the French parlement, was entrusted with the task of publishing the documents relating to economic and social life of the time of the Revolution, and four volumes had appeared by 1908. Certain towns, Paris, Bordeaux, &c., have made it a point of honour to have their chief historical monuments printed. The work now becomes more and more specialized. *L'Histoire de France*, by Ernest Lavisse (1900, &c.), is the work of fifteen different authors. It is therefore more than ever necessary that the work should be under sound direction. The *Manuel de bibliographie historique* of Ch. V. Langlois (2nd edition, 1901-1904) is a good guide, as is his *Archives de l'histoire de France* (1891, in collaboration with H. Stein).

Besides the special bibliographies mentioned above, it will be useful to consult the *Bibliothèque historique* of Père Jacques Lelong (1719; new ed. by Fevret de Fontette, 5 vols., 1768-1778); the *Geschichte der historischen Forschung und Kunst* of Ludwig Wachler (2 vols., 1812-1816); the *Bibliographie de la France*, established in 1811 (1st series, 1811-1856, 45 vols.; 2nd series, 1 vol. per annum since 1857); the publications of the Société de Bibliographie (*Polybiblion*, from 1868 on, &c.); the *Bibliographie de l'histoire de France*, by Gabriel Monod (1888); the *Répertoire* of the abbé Ulysse Chevalier (*Biobibliographie*; new ed. 1903-1907; and *Topobibliographie*, 1894-1899). Bearing exclusively on the middle ages are the *Bibliotheca historica medii aevi* of August Potthast (new ed. 1896) and the *Manuel (Les Sources de l'histoire de France*, 1901, &c.) of A. Molinier; but the latter is to be continued up to modern times, the 16th century having already been begun by Henri Hausser (1st part, 1906). Finally, various special reviews, besides teaching historical method by criticism and by example, try to keep their readers *au courant* with literary production; the *Revue critique d'histoire et de littérature* (1866 fol.), the *Revue des questions historiques* (1866 fol.), the *Revue historique* (1876 fol.), the *Revue d'histoire moderne et contemporaine*, accompanied annually by a valuable *Répertoire méthodique* (1898 fol.); the *Revue de synthèse historique* (1900 fol.), &c.

(C. B.\*)

law and institutions formerly existing in the country which is now called France are those in which the dominant race at least was Celtic. On the whole, our knowledge is small of the law and institutions of these Celts, or Gauls, whose tribes constituted independent Gaul. For their reconstruction, modern scholars draw upon two sources; firstly, there is the information furnished by the classical writers and by Caesar and Strabo in particular, which is trustworthy but somewhat scanty; the other source, which is not so pure, consists in the accounts found in those legal works of the middle ages written in the neo-Celtic dialects, the most important and the greater number of which belong to Ireland. A reconstruction from them is always hazardous, however delicate and scientific be the criticism which is brought to bear on it, as in the case of d'Arbois de Jubainville, for example. Moreover, in the historical evolution of French institutions those of the Celts or Gauls are of little importance. Not one of them can be shown to have survived in later law. What has survived of the Celtic race is the blood and temperament, still found in a great many Frenchmen, certain traits which the ancients remarked in the Gauls being still recognizable: *bellum gerere et argute loqui*.

*Roman Period.*—It was the Roman conquest and rule which really formed Gaul, for she was Romanized to the point of losing almost completely that which persists most stubbornly in a conquered nation, namely, the language; the Breton-speaking population came to France later, from Britain. The institutions of Roman Gaul became identical with those of the Roman empire, provincial and municipal government undergoing the same evolution as in the other parts of the empire. It was under Roman supremacy too, as M. d'Arbois de Jubainville has shown, that the ownership of land became personal and free in Gaul. The law for the Gallo-Romans was that which was administered by the *conventus* of the magistrate; there are only a few peculiarities, mere Gallicisms, resulting from conventions or usage, which are pointed out by Roman jurisconsults of the classical age. The administrative reforms of Diocletian and Constantine applied to Gaul as to the rest of the empire. Gaul under this rule consisted of seventeen provinces, divided between two dioceses, ten in the diocese of the Gauls, under the authority of the praetorian prefect, who resided at Treves; and the other seven in the *dioecesis septem provinciarum*, under the authority of a *vicarius*. The Gallo-Romans became Christian with the other subjects of the empire; the Church extended thither her powerful organization modelled on the administrative organization, each *civitas* having a bishop, just as it had a *curia* and municipal magistrates. But, although endowed with privileges by the Christian emperors, the Church did not yet encroach upon the civil power. She had the right of acquiring property, of holding councils, subject to the imperial authority, and of the free election of bishops. But only the first germs of ecclesiastical jurisdiction are to be traced. In virtue of the laws, the bishops were privileged arbitrators, and in the matter of public sins exercised a disciplinary jurisdiction over the clergy and the faithful. In the second half of the 4th century, monasteries appeared in Gaul. After the fall of the Western empire, there was left to the Gallo-Romans as an expression of its law, which was also theirs, a written legislation. It consisted of the imperial constitutions, contained in the Gregorian, Hermogenian and Theodosian codes (the two former being private compilations, and the third an official collection), and the writings of the five jurists (Gaius, Papinian, Paulus, Ulpian and Modestinus), to which Valentinian III. had in 426 given the force of law.

*The Barbarian Invasion.*—The invasions and settlements of the barbarians open a new period. Though there were robbery and violence in every case, the various barbarian kingdoms set up in Gaul were established under different conditions. In those of the Burgundians and Visigoths, the owners of the great estates, which had been the prevailing form of landed property in Roman Gaul, suffered partial dispossession, according to a system the rules regulating which can, in the case of the Burgundians, be traced almost exactly. It is doubtful whether a similar process took place in the case of the Frankish settlements, but their first conquests in the north and east seem to have led to the extermination or total expulsion of the Gallo-Roman population. It is impossible to say to what extent, in these various settlements, the system of collective property prevailing among the Germanic tribes was adopted. Another important difference was that, in embracing Christianity, some of the barbarians became Arians, as in the case of the Visigoths and Burgundians; others Catholic, as in the case of the Franks. This was probably the main cause of the absorption of the other kingdoms into the Frankish monarchy. In each case, however, the barbarian king appeared as wishing not to overthrow the Roman administration, but to profit by its continuation. The kings of the Visigoths and Burgundians were at first actually representatives of the Western empire, and Clovis himself was ready to accept from the emperor Anastasius the title of consul; but these were but empty forms, similar to the fictitious ties which long existed or still exist between China or Turkey and certain parts of their former empires, now separated from them for ever.

As soon as the Merovingian monarch had made himself master of Gaul, he set himself to maintain and keep in working order the administrative machinery of the Romans, save that

the administrative unit was henceforth no longer the *provincia* but the *civitas*, which generally took the name of *pagus*, and was placed under the authority of a count, *comes* or *grafio* (*Graf*). Perhaps this was not entirely an innovation, for it appears that at the end of the Roman supremacy certain *civitates* had already a *comes*. Further, several *pagi* could be united under the authority of a *dux*. The *pagus* seems to have generally been divided into hundreds (*centenae*).

But the Roman administrative machinery was too delicate to be handled by barbarians; it could not survive for long, but underwent changes and finally disappeared. Thus the Merovingians tried to levy the same direct taxes as the Romans had done, the *capitatio terrena* and the *capitatio humana*, but they ceased to be imposts reassessed periodically in accordance with the total sum fixed as necessary to meet the needs of the state, and became fixed annual taxes on lands or persons; finally, they disappeared as general imposts, continuing to exist only as personal or territorial dues. In the same way the Roman municipal organization, that of the *curiae*, survived for a considerable time under the Merovingians, but was used only for the registration of written deeds; under the Carolingians it disappeared, and with it the old senatorial nobility which had been that of the Empire. The administration of justice (apart from the king's tribunal) seems to have been organized on a system borrowed partly from Roman and partly from Germanic institutions; it naturally tends to assume popular forms. Justice is administered by the count (*comes*) or his deputy (*centenarius* or *vicarius*), but on the verdict of notables called in the texts *boni homines* or *rachimburgii*. This takes place in an assembly of all the free subjects, called *mallus*, at which every free man is bound to attend at least a certain number of times a year, and in which are promulgated the general acts emanating from the king. The latter could issue commands or prohibitions under the name of *bannus*, the violation of which entailed a fine of 60 *solidi*; the king also administered justice (*in palatio*), assisted by the officers of his household, his jurisdiction being unlimited and at the same time undefined. He could hear all causes, but was not bound to hear any, except, apparently, accusations of deliberate failure of justice and breach of trust on the part of the *rachimburgii*.

But what proved the great disturbing element in Gallo-Roman society was the fact that the conquerors, owing to their former customs and the degree of their civilization, were all warriors, men whose chief interest was to become practised in the handling of arms, and whose normal state was that of war. It is true that under the Roman empire all the men of a *civitas* were obliged, in case of necessity, to march against the enemy, and under the Frankish monarchy the count still called together his *pagenses* for this object. But the condition of the barbarian was very different; he lived essentially for fighting. Hence those gatherings or annual reviews of the *Campus Martius*, which continued so long, in Austrasia at least. They constituted the chief armed force; for mercenary troops, in spite of the assertions of some to the contrary, play at this period only a small part. But this military class, though not an aristocracy (for among the Franks the royal race alone was noble), was to a large extent independent, and the king had to attach these *leudes* or *fideles* to himself by gifts and favours. At the same time the authority of the king gradually underwent a change in character, though he always claimed to be the successor of the Roman emperor. It gradually assumed that domestic or personal character that, among the Germans, marked most of the relations between men. The household of the king gained in political importance, by reason that the heads of the principal offices in the palace became at the same time high public officials. There was, moreover, a body of men more especially attached to the king, the *antrustions* (*q.v.*) and the commensals (*convivae regis*) whose *weregeld* (*i.e.* the price of a man's life in the system of compensation then prevalent) was three times greater than that of the other subjects of the same race.

**Character of  
the  
Merovingian  
kingship.**

The Frankish monarch had also the power of making laws, which he exercised after consulting the chief men of the kingdom, both lay and ecclesiastical, in the *placita*, which were meetings differing from the *Campus Martius* and apparently modelled principally on the councils of the Church. But throughout the kingdom in many places the direct authority of the king over the people ceased to make itself felt. The *immunitates*, granted chiefly to the great ecclesiastical properties, limited this authority in a curious way by forbidding public officials to exercise their functions in the precinct of land which was *immunis*. The judicial and fiscal rights frequently passed to the landowner, who in any case became of necessity the intermediary between the supreme power and the people. In regard to this last point, moreover, the case seems to have been the same with all the great landowners or *potentes*, whose territory was called *potestas*, and who gained a real authority over those living within it; later in the middle ages they were called *homines potestatis* (*hommes de poeste*).

Other principles, arising perhaps less from Germanic custom strictly speaking than from an

inferior level of civilization, also contributed towards the weakening of the royal power. The monarch, like his contemporaries, considered the kingdom and the rights of the king over it to be his property; consequently, he had the power of dealing with it as if it were a private possession; it is this which gave rise to the concessions of royal rights to individuals, and later to the partitions of the kingdom, and then of the empire, between the sons of the king or emperor, to the exclusion of the daughters, as in the division of an inheritance in land. This proved one of the chief weaknesses of the Merovingian monarchy.

In order to rule the Gallo-Romans, the barbarians had had inevitably to ask the help of the Church, which was the representative of Roman civilization. Further, the Merovingian monarch and the Catholic Church had come into close alliance in their struggle with the Arians. The result for the Church had been that she gained new privileges, but at the same time became to a certain extent dependent. Under the Merovingians the election of the bishop *a clero et populo* is only valid if it obtains the assent (*assensus*) of the king, who often directly nominates the prelate. But at the same time the Church retains her full right of acquiring property, and has her jurisdiction partially recognized; that is to say, she not only exercises more freely than ever a disciplinary jurisdiction, but the bishop, in place of the civil power, administers civil and criminal justice over the clergy. The councils had for a long time forbidden the clergy to cite one another before secular tribunals; they had also, in the 6th century, forbidden secular judges under pain of excommunication to cite before them and judge the clergy, without permission of the bishop. A decree of Clotaire II. (614) acknowledged the validity of these claims, but not completely; a precise interpretation of the text is, however, difficult.

The Merovingian dynasty perished of decay, amid increasing anarchy. The crown passed, with the approval of the papacy, to an Austrasian mayor of the palace and his family, one of those mayors of the palace (*i.e.* chief officer of the king's household) who had been the last support of the preceding dynasty. It was then that there developed a certain number of institutions, which offered themselves as useful means of consolidating the political organism, and were in reality the direct precursors of feudalism. One was the royal benefice (*beneficium*), of which, without doubt, the Church provided both the model and, in the first instance, the material. The model was the *precaria*, a form of concession by which it was customary for the Church to grant the possession of her lands to free men; this practice she herself had copied from the five-years leases granted by the Roman exchequer. Gradually, however, the *precaria* had become a concession made, in most cases, free and for life. As regards the material, when the Austrasian mayors of the palace (probably Charles Martel) wished to secure the support of the *fideles* by fresh benefits, the royal treasury being exhausted, they turned to the Church, which was at that time the greatest landowner, and took lands from her to give to their warriors. In order to disguise the robbery it was decided—perhaps as an afterthought—that these

lands should be held as *precariae* from the Church, or from the monastic houses which had furnished them. Later, when the royal treasury was reorganized, the grants of land made by the kings naturally took a similar form: the *beneficium*, as a free grant for life. Under the Merovingians royal grants of land were in principle made in full ownership, except, as Brunner has shown, that provision was made for a revocation under certain circumstances. No special services seem to have been attached to the benefice, whether granted by the king or by some other person, but, in the second half of the 9th century at least, the possession of the benefice is found as the characteristic of the military class and the form of their pay. This we find clearly set forth in the treatise *de ecclesiis et capellis* of Hincmar of Reims. The *beneficium*, in obedience to a natural law, soon tended to crystallize into a perpetual and hereditary right. Another institution akin to the *beneficium* was the *senioratus*; by the *commendatio*, a form of solemn contract, probably of Germanic origin, and chiefly characterized by the placing of the hands between those of the lord, a man swore absolute fidelity to another man, who became his *senior*. It became the generally received idea (as expressed in the capitularies) that it was natural and normal for every free man to have a *senior*. At the same time a benefice was never granted unless accompanied by the *commendatio* of the beneficiary to the grantor. As the most important *seniores* were thus bound to the king and received from him their benefices, he expected through them to command their men; but in reality the king disappeared little by little in the *senior*. The king granted as benefices not only lands, but public functions, such as those of count or *dux*, which thus became possessions, held, first for life, and later as hereditary properties. The Capitulary of Kiersy-sur-Oise (877), which was formerly considered to have made fiefs legally and generally hereditary, only proves that it was already the custom for benefices of this kind, *honores*, to pass from the father to one of the sons.

Charlemagne, while sanctioning these institutions, tried to arrest the political

**Position of the Church.**

**Carolingian period.**

**Beginnings of the feudal system.**

decomposition. He reorganized the administration of justice, fixing the respective jurisdictions of the count and the *centenarius*, substituting for the *rachimburgii* permanent *scabini*, chosen by the count in the presence of the people, and defining the relations of the count, as the representative of the central authority, with the *advocati* or *judices* of *immunitates* and *potestates*. He reorganized the army, determining the obligations and the military outfit of free men according to their means. Finally, he established those regular inspections by the *missi dominici* which are the subject of so many of his capitularies. From the *De ordine palatii* of Hincmar of Reims, who follows the account of a contemporary of the great emperor, we learn that he also regularly established two general assemblies, *conventus* or *placita*, in the year, one in the autumn, the other in the spring, which were attended by the chief officials, lay and ecclesiastical. It was here that the capitularies (*q.v.*) and all important measures were first drawn up and then promulgated. The revenues of the Carolingian monarch (which are no longer identical with the finances of the state) consisted chiefly in the produce of the royal lands (*villae*), which the king and his suite often came and consumed on the spot; and it is known how carefully Charlemagne regulated the administration of the *villae*. There were also the free gifts which the great men were bound, according to custom, to bring to the *conventus*, the contributions of this character from the monasteries practically amounting to a tax; the regular personal or territorial dues into which the old taxes had resolved themselves; the profits arising from the courts (the royal *bannus*, and the *fredum*, or part of the compensation-money which went to the king); finally, numberless requisitions in kind, a usage which had without doubt existed continuously since Roman times. The Church was loaded with honours and had added a fresh prerogative to her former privileges, namely, the right of levying a real tax in kind, the *tithe*. Since the 3rd century she had tried to exact the payment of tithes from the faithful, interpreting as applicable to the Christian clergy the texts in the Old Testament bearing on the Levites; Gallican councils had repeatedly proclaimed it as an obligation, though, it appears, with little success. But from the reign of Pippin the Short onwards the civil law recognized and sanctioned this obligation, and the capitularies of Charlemagne and Louis the Debonnaire contain numerous provisions dealing with it. Ecclesiastical jurisdiction extended farther and farther, but Charlemagne, the protector of the papacy, maintained firmly his authority over the Church. He nominated its dignitaries, both bishops and abbots, who were true ecclesiastical officials, parallel with the lay officials. In each *pagus*, bishop and count owed each other mutual support, and the *missi* on the same circuit were ordinarily a count and a bishop. In the first collection of capitularies, that of Ansegisus, two books out of four are devoted to ecclesiastical capitularies.

What, then, was the private and criminal law of this Frankish monarchy which had come to embrace so many different races? The men of Roman descent continued under the Roman law, and the conquerors could not hope to impose their customs upon them.

The authorized expression of the Roman law was henceforth to be found in the *Lex romana Wisigothorum* or *Breviarium Alarici*, drawn up by order of Alaric II. in 506. It is an abridgment of the codes, of that of Theodosius especially, and of certain of the writings of the jurists included under the Law of Citations. As to the barbarians, they had hitherto had nothing but customs, and these customs, of which the type nearest to the original is to be found in the oldest text of the *Lex Salica*, were nothing more than a series of tariffs of compensations, that is to say, sums of money due to the injured party or his family in case of crimes committed against individuals, for which crimes these compensations were the only penalty. They also introduced a barbarous system of trial, that by compurgation, *i.e.* exculpation by the oath of the defendant supported by a certain number of *cojurantes*, and that by ordeal, later called *judicium Dei*. In each new kingdom the barbarians naturally kept their own laws, and when these men of different races all became subject to the Frankish monarchy, there evolved itself a system (called the *personnalité des lois*) by which every subject had, in principle, the right to be tried by the law of the race to which he belonged by birth (or sometimes for some other reason, such as emancipation or marriage). When the two adversaries were of different race, it was the law of the defendant which had to be applied. The customs of the barbarians had been drawn up in Latin. Sometimes, as in the case of the first text of the Salic law, the system on which they were compiled is not exactly known; but it was generally done under the royal authority. At this period only these written documents bear the name of "law" (*leges romanorum; leges barbarorum*), and at least the tacit consent of the people seems to have been required for these collections of laws, in accordance with an axiom laid down in a later capitulary; *lex fit consensu populi et constitutione regis*. It is noteworthy, too, that in the process of being drawn up in Latin, most of the *leges barbarorum* were very much Romanized.

**Reforms of Charlemagne.**

**Carolingian fiscal system.**

**The Church under Charlemagne.**

**The law under the Frank monarchy.**

In the midst of this diversity, a certain number of causes tended to produce a partial unity. The capitularies, which had in themselves the force of law, when there was no question of modifying the *leges*, constituted a legislation which was the same for all; often they inflicted corporal punishment for grave offences, which applied to all subjects without distinction. Usage and individual convenience led to the same result. The Gallo-Romans, and even the Church itself, to a certain extent, adopted the methods of trial introduced by the Germans, as was likely in a country relapsing into barbarism. On the other hand, written acts became prevalent among the barbarians, and at the same time they assimilated a certain amount of Roman law; for these acts continued to be drawn up in Latin, after Roman models, which were in most cases simply misinterpreted owing to the general ignorance. The type is preserved for us in those collections of *Formulae*, of which complete and scientific editions have been published by Eugène de Rozière and Carl Zeumer. During this period, too, the Gallican Church adopted the collection of councils and decretals, called later the *Codex canonum ecclesiae Gallicanae*, which she continued to preserve. This collection was that of Dionysius Exiguus, which was sent to Charlemagne in 774 by Pope Adrian I. But in the course of the 9th century apocryphal collections were also formed in the Gallican Church: the False Capitularies of Benedictus Levita, and the False Decretals of Isidorus Mercator (see [DECRETALS](#)).

All the subjects of the Frankish monarchy were not of equal status. There was, strictly speaking, no nobility, both the Roman and the Germanic nobility having died out; but slavery continued to exist. The Church, however, was preparing the transformation of the slave into the serf, by giving force and validity to their marriages, in cases, at least, when the master had approved of them, and by forbidding the latter unjustly to seize the slave's *peculium*. But between the free man (*ingenuus*) and the slave lay a number of persons of intermediate status; they possessed legal personality but were subject to incapacities of various kinds, and had to perform various duties towards other men. There was, to begin with, the Roman colonist (*colonus*), a class as to the origin of which there is still a controversy, and of which there is no clear mention in the laws before the 4th century; they and their children after them were attached perpetually to a certain piece of land, which they were allowed to cultivate on payment of a rent. There were, further, the *liti* (*litus* or *lidus*), a similar class of Germanic origin; also the greater number of the freedmen or descendants of freedmen. Many free men who had fled to the great landowners for protection took, by arrangement or by custom, a similar position. Under the Merovingian régime, and especially under the Carolingians, the occupation of the land tended to assume the character of tenure; but free ownership of land continued to exist under the name of *alod* (*alodis*), and there is even evidence for the existence of this in the form of small properties, held by free men; the capitularies contain numerous complaints and threats against the counts, who endeavoured by the abuse of their power to obtain the surrender of these properties.

*Period of Anarchy and the Rise of Feudalism.*—The 10th and 11th centuries were a period of profound anarchy, during which feudalism was free to develop itself and to take definitive shape. At that time the French people may be said to have lived without laws, without even fixed customs and without government. The legislative power was no longer exercised, for the last Carolingian capitularies date from the year 884, and the first laws of the Capetian kings (if they may be called laws) do not appear till during the 12th century. During this period the old capitularies and *leges* fell into disuse and in their place territorial customs tended to grow up, their main constituents being furnished by the law of former times, but which were at the outset ill-defined and strictly local. As to the government, if the part played by the Church be excepted, we shall see that it could be nothing but the application of brute force. In this anarchy, as always happens under similar conditions, men drew together and formed themselves into groups for mutual defence. A nucleus was formed which was to become the new social unit, that is to say, the feudal group. Of this the centre was a chief, around whom gathered men capable of bearing arms, who commended themselves to him according to the old form of vassalage, *per manus*. They owed him fidelity and assistance, the support of their arms but not of their purse, save in quite exceptional cases; while he owed them protection. Some of them lived in his castle or fortified house, receiving their equipment only and eating at his table. Others received lands from him, which were, or later became, fiefs, on which they lived *casati*. The name fief, *feudum*, does not appear, however, till towards the end of this period; these lands are frequently called *beneficia* as before; the term most in use at first, in many parts, is *casamentum*. The fief, moreover, was generally held for life and did not become generally hereditary till the second half of the 11th century. The lands kept by the chief and those which he granted to his men were for the most part rented from him, or from them, for a certain amount in money or in kind. All these conditions had already existed previously in much the same form; but the new development is that the chief was no longer,

**Anarchy and feudal origins.**

as before, merely an intermediary between his men and the royal power. The group had become in effect independent, so organized as to be socially and politically self-sufficient. It constituted a small army, led, naturally, by the chief, and composed of his feudatories, supplemented in case of need by the *rustici*. It also formed an assembly in which common interests were discussed, the lord, according to custom, being bound to consult his feudatories and they to advise him to the best of their power. It also formed a court of justice, in which the feudatories gave judgment under the presidency of their lord; and all of them claimed to be subject only to the jurisdiction of this tribunal composed of their peers. Generally they also judged the villeins (*villani*) and the serfs dependent on the group, except in cases where the latter obtained as a favour judges of their own status, which was, however, at that time a very rare occurrence.

Under these conditions a nobility was formed, those men becoming nobles who were able to devote themselves to the profession of arms and were either chiefs or soldiers in one of the groups which have just been described. The term designating a noble, *miles*, corresponds also to that of knight (Fr. *chevalier*, Low Lat. *caballerius*), for the reason that chivalry, of which the origins are uncertain, represents essentially the technical skill and professional duties of this military class. Every noble was destined on coming of age to become a knight, and the knight equally as a matter of course received a fief, if he had not one already by hereditary title. This nobility, moreover, was not a caste but could be indefinitely recruited by the granting of fiefs and admission to knighthood (see [KNIGHTHOOD AND CHIVALRY](#)).

The state of anarchy was by now so far advanced that war became an individual right, and the custom of private war arose. Every man had in principle the right of making war to defend his rights or to avenge his wrongs. Later on, doubtless, in the 13th century, this was a privilege of the noble (*gentilhomme*); but the texts defining the limits which the Church endeavoured to set to this abuse, namely, the Peace of God and the Truce of God, show that this was at the outset a power possessed by men of all classes. Even a man who had appeared in a court of law and received judgment had the choice of refusing to accept the judgment and of making war instead. Justice, moreover, with its frequent employment of trial by combat, did not essentially differ from private war.

It is unnecessary to go further and to affirm, with certain historians of our time, for example Guilhermoz and Sée, that the only free men at that time, besides the clergy, were the nobles, all the rest being serfs. There are many indications which lead us to assume, not only in the towns but even in the country districts, the existence of a class of men of free status who were not *milites*, the class later known in the 13th century as *vilains*, *hommes de poeste*, and, later, *roturiers*. The fact more probably was that only the nobles and ecclesiastics were exempt from the exactions of the feudal lords; while from all the others the seigneurs could at pleasure levy the *taille* (a direct and arbitrary tax), and those innumerable rights then called *consuetudines*. Free ownership, the *allodium*, even under the form of small freeholds, still existed by way of exception in many parts.

Had, then, the main public authority disappeared? This is practically the contention of certain writers, who, like M. Sée, maintain that real property, the possession of a domain, conferred on the big landed proprietor all rights of taxation, command and coercion over the inhabitants of his domain, who, according to this view, were always serfs. But this is an exaggeration of the thesis upheld by old French authors, who saw in feudalism, though in a different sense, a confusion of property with sovereignty. It appears that in this state of political disintegration each part of the country which had a homogeneous character tended to form itself into a higher unit. In this unit there arose a powerful lord, generally a duke, a count, or a viscount, who sometimes came to be called the *capitalis dominus*. He was either a former official of the monarchy, whose function had become hereditary, or a usurper who had formed himself on this model. He laid claim to an authority other than that conferred by the possession of real property. He still claimed to exercise over the whole of his former district certain rights, which we see him sometimes surrendering for the benefit of churches or monasteries. His court of justice was held in the highest honour, and to it were referred the most important affairs. But in this district there were generally a number of more or less powerful lords, who as a rule had as yet no particular feudal title and are often given the name of *principes*. Often, but not always, they had commended themselves to this duke or count by doing homage.

On the other hand, the royal power continued to exist, being recognized by a considerable part of old Gaul, the *regnum Francorum*. But under the last of the Carolingians it had in fact become elective, as is shown by the elections of Odo and Robert before that of Hugh Capet. The electors were the chief lords and prelates of the *regnum*

**power.**

*Francorum*. But following a clever policy, each king during his lifetime took as partner of his kingdom his eldest son and consecrated and crowned him in advance, so that the first of the Capetians revived the principle of heredity in favour of the eldest son, while establishing the hereditary indivisibility of the kingdom. This custom was recognized at the accession of Louis the Fat, but the authority of the king was very weak, being merely a vague allegiance. His only real authority lay where his own possessions were, or where there had not arisen a duke, a count, or lord of equal rank with them. He maintained, however, a general right of administering justice, a *curia*, the jurisdiction of which seems to have been universal. It is true that the parties in a suit had to submit themselves to it voluntarily, and could accept or reject the judgment given, but this was at that time the general rule. The king dispensed justice surrounded by the officers of his household (*domestici*), who thus formed his council; but these were not the only ones to assist him, whether in court or council. Periodically, at the great yearly festivals, he called together the chief lords and prelates of his kingdom, thus carrying on the tradition of the Carolingian *placita* or *conventus*; but little by little, with the appropriation of the *honores*, the character of the gathering changed; it was no longer an assembly of officials but of independent lords. This was now called the *curia regis*.

While the power of the State was almost disappearing, that of the Church, apart from the particular acts of violence of which she was often the victim, continued to grow. Her jurisdiction gained ground, since her procedure was reasonable and

**The Church.**

comparatively scientific (except that she admitted to a certain extent compurgation by oath and the *judicia Dei*, with the exception of trial by combat). Not only was the privilege of clergy, by which accused clerks were brought under her jurisdiction, almost absolute, but she had cognizance of a number of causes in which laymen only were concerned, marriage and everything nearly or remotely affecting it, wills, crimes and offences against religion; and even contracts, when the two parties wished it or when the agreement was made on oath, came within her competence. Such, then, were the ecclesiastical or Christian courts (*cours d'église, course de chrétienté*). The Church, moreover, remained in close connexion with the crown, the king preserving a quasi-ecclesiastical character, while the royal prerogatives with regard to the election of bishops were maintained more successfully than the rights of the crown, though in many of the great fiefs they none the less passed to the count or the duke. It was at this time too that the Church tried to break the last ties which still kept her more or less dependent on the civil power; this was the true import of the Investiture Contest (see [INVESTITURE](#), and [CHURCH HISTORY](#)), though this was not very acute in France.

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The period of the true feudal monarchy is embraced by the 12th and 13th centuries, that is to say, it was at this time that the crown again assumed real strength and authority; but so

**The feudal monarchy.**

far it had no organs and instruments save those which were furnished by feudalism, now organized under a regular hierarchy, of which the king was the head, the "sovereign enfeoffer of the kingdom" (*souverain fieffeux du royaume*), as he came later on to be called. This new position of affairs was the result of three great factors: the revival of Roman Law, the final organization of feudalism and the rise of the privileged towns. The revival of Roman law began in France and Italy in the second half of the 11th century, developing with extraordinary brilliance

**Roman law.**

in the latter country at the university of Bologna, which was destined for a long time to dominate Europe. Roman law spread rapidly in the French schools and universities, except that of Paris, which was closed to it by the papacy; and the influence of this study was so great that it transformed society. On the one hand it contributed largely to the reconstitution of the royal power, modelling the rights of the king on those of the Roman emperor. On the other hand it wrought a no less profound change in private law. From this time dates the division of old France into the *Pays de droit écrit*, in which Roman law, under the form in which it was codified by Justinian, was received as the ordinary law; and the *Pays de coutume*, where it played only a secondary

**The customs.**

part, being generally valid only as *ratio scripta* and not as *lex scripta*. In this period the customs also took definitive form, and over and above the local customs properly so called there were formed customs known as *general*, which held good through a whole province or *bailliage*, and were based on the jurisprudence of the higher jurisdictions.

The final organization of feudalism resulted from the struggle for organization which was proceeding in each district where the more powerful lords compelled the others to do them

**Final organization**

homage and become their vassals; the *capitalis dominus* had beneath him a whole hierarchy, and was himself a part of the feudal system of France (see [FEUDALISM](#)). Doubtless in the case of lords like the dukes of Brittany and Burgundy, the king could not actually demand the strict fulfilment of the

**of feudalism.** feudal obligations; but the principle was established. The question now arises, did free and absolute property, the *allodium*, entirely disappear in this process, and were all lands held as tenures? It continued to exist, by way of exception, in most districts, unchanged save in the burden of proof of ownership, with which, according to the customs, sometimes the lord and sometimes the holder of the land was held charged. In one respect, however, namely in the administration of justice, the feudal hierarchy had absolute sway. Towards the end of the 13th century Beaumanoir clearly laid down this principle: "All secular jurisdiction in France is held from the king as a fief or an *arrière-fief*." Henceforth it could also be said that "All justice emanates from the king." The law concerning fiefs became settled also from another point of view, the fief becoming patrimonial; that is to say, not only hereditary, but freely alienable by the vassal, subject in both cases to certain rights of transfer due to the lord, which were at first fixed by agreement and later by custom. The most salient features of feudal succession were the right of primogeniture and the preference given to heirs-male; but from the 13th century onwards the right of primogeniture, which had at first involved the total exclusion of the younger members of a family, tended to be modified, except in the case of the chief lords, the eldest son obtaining the preponderant share or *préciput*. Non-noble (*roturier*) tenancies also became patrimonial in similar circumstances, except that in their case there was no right of primogeniture nor any privilege of males. The tenure of serfs did not become alienable, and only became hereditary by certain devices.

**Feudal character of justice.**

Feudal society next saw the rise of a new element within it: the privileged towns. At this time many towns acquired privileges, the movement beginning towards the end of the 11th century; they were sanctioned by a formal concession from the lord to whom the town was subject, the concession being embodied in a charter or in a record of customs (*coutume*). Some towns won for themselves true political rights, for instance the right of self-administration, rights of justice over the inhabitants, the right of not being taxed except by their own consent, of maintaining an armed force, and of controlling it themselves. Others only obtained civil rights, e.g. guarantees against the arbitrary rights of justice and taxation of the lord or his provost. The chief forms of municipal organization at this time were the *commune jurée* of the north and east, and the *consulat*, which came from Italy and penetrated as far as Auvergne and Limousin. The towns with important privileges formed in feudal society as it were a new class of lordships; but their lords, that is to say their burgesses, were inspired by quite a new spirit. The crown courted their support, taking them under its protection, and championing the causes in which they were interested (see [COMMUNE](#)). Finally, it is in this period, under Philip Augustus, that the great fiefs began to be effectually reannexed to the crown, a process which, continued by the kings up to the end of the *ancien régime*, refounded for their profit the territorial sovereignty of France.

**Rise of the privileged towns.**

The crown maintained the machinery of feudalism, the chief central instruments of which were the great officers of the crown, the seneschal, butler, constable and chancellor, who were to become irremovable officials, those at least who survived. But this period saw the rise of a special college of dignitaries, that of the Twelve Peers of France, consisting of six laymen and six ecclesiastics, which took definitive shape at the beginning of the 13th century. We cannot yet discern with any certainty by what process it was formed, why those six prelates and those six great feudatories in particular were selected rather than others equally eligible. But there is no doubt that we have here a result of that process of feudal organization mentioned above; the formation of a similar assembly of twelve peers occurs also in a certain number of the great fiefs. Besides the part which they played at the consecration of kings, the peers of France formed a court in which they judged one another under the presidency of the king, their overlord, according to feudal custom. But the *cour des pairs* in this sense was not separate from the *curia regis*, and later from the parlement of Paris, of which the peers of France were by right members. From this time, too, dates another important institution, that of the *maîtres des requêtes*.

**Great officers of the crown and peers of France.**

The legislative power of the crown again began to be exercised during the 12th century, and in the 13th century had full authority over all the territories subject to the crown. Beaumanoir has a very interesting theory on this subject. The right of war tends to regain its natural equilibrium, the royal power following the Church in the endeavour to check private wars. Hence arose the *quarantaine le roi*, due to Philip Augustus or Saint Louis, by which those relatives of the parties to a quarrel who had not been present at the quarrel were rendered immune from attack for forty days after it; and above all the *assurements* imposed by the king or lord; on these points too Beaumanoir has an interesting theory. The rule was, moreover, already in force by which

**Growth of the royal power.**

private wars had to cease during the time that the king was engaged in a foreign war. But the most appreciable progress took place in the administrative and judicial institutions. Under Philip Augustus arose the royal *baillis* (see **BAILIFF**: section *Bailli*), and seneschals (*q.v.*), who were the representatives of the king in the provinces, and superior judges. At the same time the form of the feudal courts tended to change, as they began more and more to be influenced by the Romano-canonical law. Saint Louis had striven to abolish trial by combat, and the Church had condemned other forms of ordeal, the *purgatio vulgaris*. In most parts of the country the feudal lords began to give place in the courts of law to the provosts (*prévôts*) and *baillis* of the lords or of the crown, who were the judges, having as their councillors the *avocats* (advocates) and *procureurs* (procurators) of the assize. The feudal courts, which were founded solely on the relations of homage and tenure, before which the vassals and tenants as such appeared, disappeared in part from the 13th century on. Of the seigniorial jurisdictions there soon remained only the *hautes* or *basses justices* (in the 14th century arose an intermediate grade, the *moyenne justice*), all of which were considered to be concessions of the royal power, and so delegations of the public authority. As a result of the application of Roman and canon law, there arose the *appeal* strictly so called, both in the class of royal and of seigniorial jurisdictions, the case in the latter instance going finally before a royal court, from which henceforth there was no appeal. In the 13th century too appeared the theory of crown cases (*cas royaux*), cases which the lords became incompetent to try and which were reserved for the royal court. Finally, the *curia regis* was gradually transformed into a regular court of justice, the *Parlement* (*q.v.*), as it was already called in the second half of the 13th century. At this time the king no longer appeared in it regularly, and before each session (for it was not yet a permanent body) a list of properly qualified men was drawn up in advance to form the parlement, only those whose names were on the list being capable of sitting in it. Its main function had come to be that of a final court of appeal. At the various sessions, which were regularly held at Paris, appeared the *baillis* and seneschals, who were called upon to answer for the cases they had judged and also for their administration. The accounts were received by members of the parlement at the Temple, and this was the origin of the Cour or Chambre des Comptes.

At the end of this period the nobility became an exclusive class. It became an established rule that a man had to be noble in order to be made a knight, and even in order to acquire a fief; but in this latter respect the king made exceptions in the case of **Nobles, commons and the Church in the 13th century.** *roturiers*, who were licensed to take up fiefs, subject to a payment known as the *droits de franc-fief*. The *roturiers*, or villeins who were not in a state of thralldom, were already a numerous class not only in the towns but in the country. The Church maintained her privileges; a few attempts only were made to restrain the abuse, not the extent, of her jurisdiction. This jurisdiction was, during the 12th century, to a certain extent regularized, the bishop nominating a special functionary to hold his court; this was the *officialis* (Fr. *official*), whence the name of *officialité* later applied in France to the ecclesiastical jurisdictions. On one point, however, her former rights were diminished. She preserved the right of freely acquiring personal and real property, but though she could still acquire feudal tenures she could not keep them; the customs decided that she must *vider les mains*, that is, alienate the property again within a year and a day. The reason for this new rule was that the Church, the ecclesiastical establishment, is a proprietor who does not die and in principle does not surrender her property; consequently, the lords had no longer the right of exacting the transfer duties on those tenures which she acquired. It was possible, however, to compromise and allow the Church to keep the tenure on condition of the consent not only of the lord directly concerned, but of all the higher lords up to the *capitalis dominus*; it goes without saying that this concession was only obtained by the payment of pecuniary compensations, the chief of which was the *droit d'amortissement*, paid to these different lords. In this period the form of the episcopal elections underwent a change, the electoral college coming to consist only of the canons composing the chapter of the cathedral church. But except for the official candidatures, which were abused by the kings and great lords, the elections were regular; the Pragmatic Sanction, attributed to Saint Louis, which implies the contrary, is nowadays considered apocryphal by the best critics.

Finally, it must be added that during the 13th century criminal law was profoundly modified. Under the influence of Roman law a system of arbitrary penalties replaced those laid down by the customs, which had usually been fixed and cruel. The **Changes in criminal law.** criminal procedure of the feudal courts had been based on the right of accusation vested only in the person wronged and his relations; for this was substituted the inquisitorial procedure (*processus per inquisitionem*), which had developed in the canon law at the very end of the 12th century, and was to become the *procédure à l'extraordinaire* of the *ancien régime*, which was conducted in secret and without

free defence and debate. Of this procedure torture came to be an ordinary and regular part.

The customs, which at that time contained almost the whole of the law for a great part of France, were not fixed by being written down. In that part of France which was subject to customary law (*la France coutumière*) they were defined when necessary by the verdict of a jury of practitioners in what was called the *enquête par turbes*; some of them, however, were, in part at least, authentically recorded in seigniorial charters, *chartes de ville* or *chartes de coutume*. Their rules were also recorded by experts in private works or collections called *livres coutumiers*, or simply *coutumiers* (customaries). The most notable of these are *Les Coutumes de Beauvoisis* of Philippe de Beaumanoir, which Montesquieu justly quotes as throwing light on those times; also the *Très ancienne coutume de Normandie* and the *Grand Coutumier de Normandie*; the *Conseil à un ami* of Pierre des Fontaines, the *Établissements de Saint Louis*; the *Livre de justice et de plet*. At the same time the clerks of important judges began to collect in registers notable decisions; it is in this way that we have preserved to us the old decisions of the exchequer of Normandy, and the *Olim* registers of the parlement of Paris.

*The Limited Monarchy.*—The 14th and 15th centuries were the age of the limited monarchy. Feudal institutions kept their political importance; but side by side with them arose others of which the object was the direct exercise of the royal authority; others also arose from the very heart of feudalism, but at the same time transformed its laws in order to adapt them to the new needs of the crown. In this period certain rules for the succession to the throne were fixed by precedents: the exclusion of women and of male descendants in the female line, and the principle that a king could not by an act of will change the succession of the crown. The old *curia regis* disappeared and was replaced by the parlement as to its judicial functions, while to fulfil its deliberative functions there was formed a new body, the royal council (*conseil du roi*), an administrative and governing council, which was in no way of a feudal character. The number of its members was at first small, but they tended to increase; soon the brevet of *conseiller du roi en ses conseils* was given to numerous representatives of the clergy and nobility, the great officers of the crown becoming members by right. Side by side with these officials, whose power was then at its height, there were gradually evolved more subservient ministers who could be dispensed with at will; the *secrétaires des commandements du roi* of the 15th century, who in the 16th century developed into the *secrétaires d'état*, and were themselves descended from the *clerks du secret* and *secrétaires des finances* of the 14th century. The College of the Twelve Peers of France had not its full numbers at the end of the 13th century; the six ecclesiastical peerages existed and continued to exist to the end, together with the archbishopric and bishoprics to which they were attached, not being suppressed; but several of the great fiefs to which six lay peerages had been attached had been annexed to the crown. To fill these vacancies, Philip the Fair raised the duchies of Brittany and Anjou and the countship of Artois to the rank of peerages of France. This really amounted to changing the nature of the institution; for the new peers held their rank merely at the king's will, though the rank continued to belong to a great barony and to be handed down with it. Before long peers began to be created when there were no gaps in the ranks of the College, and there was a constant increase in the numbers of the lay peers.

At the beginning of the 14th century appeared the states general (*états généraux*), which were often convoked, though not at fixed intervals, throughout the whole of the 14th century and the greater part of the 15th. Their power reached its height at a critical moment of the Hundred Years' War during the reign of King John. At the same time there arose side by side with them, and from the same causes, the provincial estates, which were in miniature for each province what the states general were for the whole kingdom. Of these provincial assemblies some were founded in one or other of the great fiefs, being convoked by the duke or count under the pressure of the same needs which led the king to convoke the states general; others, in provinces which had already been annexed to the crown, probably had their origin in the councils summoned by the *bailli* or seneschal to aid him in his administration. Later it became a privilege for a province to have its own assembly; those which did so were never of right subject to the royal *taille*, and kept, at least formally, the right of sanctioning, by means of the assembly, the subsidies which took its place. Hence it became the endeavour of the crown to suppress these provincial assemblies, which in the 14th century were to be found everywhere; from the outset of the 15th century they began to disappear in central France.

The most characteristic feature of this period was the institution of universal taxation by the crown. So far the king's sole revenues were those which he exacted, in his capacity of feudal lord, wherever another lord did not intervene between him and the inhabitants, in

**Royal taxation.**

addition to the income arising from certain crown rights which he had preserved or regained. But these revenues, known later as the income of the royal domain and later still as the *finances ordinaires*, became insufficient in proportion as the royal power increased; it became a necessity for the monarch to be able to levy imposts throughout the whole extent of the provinces annexed to the crown, even upon the subjects of the different lords. This he could only do by means of the co-operation of those lords, lay and ecclesiastical, who alone had the right of taxing their subjects; the co-operation of the privileged towns, which had the right to tax themselves, was also necessary. It was in order to obtain this consent that the states general, in most cases, and the provincial assemblies, in all cases, were convoked. In some cases, however, the king adopted different methods; for instance, he sometimes utilized the principle of the feudal aids. In cases where his vassals owed him, as overlord, a pecuniary aid, he substituted for the sum paid directly by his vassals a tax levied by his own authority on their subjects. It is in this way that for thirty years the necessary sums were raised, without any vote from the states general, to pay the ransom of King John. But in principle the taxes were in the 14th century sanctioned by the states general. Whatever form they took, they were given the generic name of Aids or *auxilia*, and were considered as occasional and extraordinary subsidies, the king being obliged in principle to "live of his own" (*vivre de son domaine*). Certain aids, it is true, tended to become permanent under the reign of Charles VI.; but the taxes subject to the consent of the states general were at first the sole resource of Charles VII. In the second half of his reign the two chief taxes became permanent: in 1435 that of the aids (a tax on the sale of articles of consumption, especially on wine), with the formal consent of the states general, and that of the *taille* in 1439. In the latter case the consent of the states general was not given; but only the nobility protested, for at the same time as the royal *taille* became permanent the seigniorial *taille* was suppressed. These imposts were increased, on the royal authority, by Louis XI. After his death the states general, which met at Tours in 1484, endeavoured to re-establish the periodical vote of the tax, and only granted it for two years, reducing it to the sum which it had reached at the death of Charles VII. But the promise that they would again be convoked before the expiry of two years was not kept. These imposts and that of the *gabelle* were henceforth permanent. Together with the taxes there was evolved the system of their administration. Their main outlines were laid down by the states general in the reign of King John, in 1355 and the following years. For the administration of the subsidies which they granted, they nominated from among their own numbers *surintendants généraux* or *généraux des finances*, and further, for each diocese or equivalent district, *élus*. Both had not only the active administration but also judicial rights, the latter constituting courts of the first instance and the former courts of final appeal. After 1360 the crown again adopted this organization, which had before been only temporary; but henceforth *généraux* and *élus* were nominated by the king. The *élus*, or *officiers des élections*, only existed in districts which were subject to the royal *taille*; hence the division, so important in old France, into *pays d'élections* and *pays d'états*. The *élus* kept both administration and jurisdiction; but in the higher stage a differentiation was made: the *généraux des finances*, who numbered four, kept the administration, while their jurisdiction as a court of final appeal was handed over to another body, the *cour des aides*, which had already been founded at the end of the 14th century. Besides the four *généraux des finances*, who administered the taxation, there were four Treasurers of France (*trésoriers de France*), who administered the royal domain; and these eight officials together formed in the 15th century a kind of ministry of finance to the monarchy.

The army also was organized. On the one hand, the military service attached to the fiefs was transformed for the profit of the king, who alone had the right of making war: it became the *arrière-ban*, a term which had formerly applied to the *levée en masse* of

**The army.**

all the inhabitants in times of national danger. Before the 14th century the king had only had the power of calling upon his own immediate vassals for service. Henceforth all possessors of fiefs owed him, whether within the kingdom or on the frontiers, military service without pay and at their own expense. This was for long an important resource for the king. But Charles VII. organized an army on another footing. It comprised the *francs-archers* furnished by the parishes, a militia which was only summoned in case of war, but in time of peace had to practise archery, and companies of *gendarmerie* or heavy cavalry, forming a permanent establishment, which were called *compagnies d'ordonnance*. It was chiefly to provide for the expense of the first nucleus of a permanent army that the *taille* itself had been made permanent.

The new army led to the institution of the governors of provinces, who were to command the troops quartered there. At first they were only appointed for the frontiers and fortified places, but later the kingdom was divided into *gouvernements généraux*. There were at first twelve of these, which were called in the middle of the 16th century the *douze anciens*

*gouvernements*. Although, strictly speaking, they had only military powers, the governors, always chosen from among the great lords, became in the provinces the direct representatives of the king and caused the *baillis* and *seneschals* to take a secondary place.

The courts of law continued to develop on the lines already laid down. The parlement, which had come to be a judicial committee nominated every year, but always consisting in fact of the same persons, changed in the course of the 14th century into a body of magistrates who were permanent but as yet subject to removal. During this period were evolved its organization and definitive features (see

**The law courts.**

**PARLEMENT**). The provincial parlements had arisen after and in imitation of

that of Paris, and had for the most part taken the place of some superior jurisdiction which had formerly existed in the same district when it had been independent (like Provence) or had formed one of the great fiefs (like Normandy or Burgundy). It was during this period also that the parlements acquired the right of opposing the registration, that is to say, the promulgation of laws, of revising them, and of making representations (*remontrances*) to the king when they refused the registration, giving the reasons for such refusal. The other royal jurisdictions were completed (see **BAILIFF**, **CHÂTELET**). Besides them arose another of great importance, which was of military origin, but came to include all citizens under its sway. These were the provosts of the marshals of France (*prévôts des maréchaux de France*), who were officers of the *Maréchaussée* (the gendarmerie of the time); they exercised criminal jurisdiction without appeal in the case of crimes committed by vagabonds and fugitives from justice, this class being called their *gibier* (game), and of a number of crimes of violence, whatever the rank of the offender. Further, another class of officers was created in connexion with the law courts: the "king's men" (*gens du roi*), the *procureurs* and *avocats du roi*, who were at first simply those lawyers who represented the king in the law courts, or pleaded for him when he had some interest to follow up or to defend. Later they became officers of the crown. In the case of the *procureurs du roi* this development took place in the first half of the 14th century. Their duty was not only to represent the king in the law courts, whether as plaintiff or defendant, but also to take care that in each case the law was applied, and to demand its application. From this time on the *procureurs du roi* had full control over matters concerning the public interest, and especially over public prosecution. In this period, too, appeared what was afterwards called *justice retenue*, that is to say, the justice which the king administered, or was supposed to administer, in person. It was based on the idea that, since all justice and all judicial power reside in the king, he could not deprive himself of them by delegating their exercise to his officers and to the feudal lords. Consequently he could, if he thought fit, take the place of the judges and call up a case before his own council. He could reverse even the decisions of the courts of final appeal, and in some cases used this means of appealing against the decrees of the parlements (*proposition d'erreur*, *requête civile*, *pourvoi en révision*). In these cases the king was supposed to judge in person; in reality they were examined by the *maîtres des requêtes* and submitted to the royal council (*conseil du roi*), at which the king was always supposed to be present and which had in itself no power of giving a decision. For this purpose there was soon formed a special committee of the council, which was called the *conseil privé* or *de justice*. At the end of the 15th century, Charles VIII., in order to relieve the council of some of its functions, created a new final court, the *grand conseil*, to deal with a number of these cases. But before long it again became the custom to appeal to the *conseil du roi*, so that the *grand conseil* became almost useless. The king frequently, by means of *lettres de justice*, intervened in the procedure of the courts, by granting *bénéfices*, by which rules which were too severe were modified, and faculties or facilities for overcoming difficulties arising from flaws in contracts or judgments, cases at that time not covered by the common law. By *lettres de grâce* he granted reprieve or pardon in individual cases. The most extreme form of intervention by the king was made by means of *lettres de cachet* (*q.v.*), which ordered a subject to go without trial into a state prison or into exile.

The condition of the Church changed greatly during this period. The jurisdiction of the *officialités* was very much reduced, even over the clergy. They ceased to be competent to judge actions concerning the possession of real property, in which the clergy

**The Church.**

were defendants. In criminal law the theory of the *cas privilégié*, which appears in the 14th century, enabled the royal judges to take action against

and judge the clergy for all serious crimes, though without the power of inflicting any penalties but arbitrary fines, the ecclesiastical judge remaining competent, in accordance with the privileges of clergy, to try the offender for the same crime as what was technically called a *délit commun*. The development of jurisprudence gradually removed from the *officialités* causes of a purely secular character in which laymen only were concerned, such as wills and contracts; and in matrimonial cases their jurisdiction was limited to those in which the *foedus matrimonii* was in question. For the acquisition of real property by ecclesiastical

establishments the consent of the king to the amortizement was always necessary, even in the case of allodial lands; and if it was a case of feudal tenures the king and the direct overlords alone kept their rights, the intermediate lords being left out of the question.

As regards the conferring of ecclesiastical benefices, from the 14th century onwards the papacy encroached more and more upon the rights of the bishops, in whose gift the inferior benefices generally were, and of the electors, who usually conferred the superior benefices; at the same time it exacted from newly appointed incumbents heavy dues, which were included under the generic name of annates (*q.v.*). During the Great Schism of the Western Church, these abuses became more and more crying, until by a series of edicts, promulgated with the consent and advice of the parlement and the clergy, the Gallican Church was restored to the possession of its former liberties, under the royal authority. Thus France was ready to accept the decrees of reform issued by the council of Basel (*q.v.*), which she did, with a few modifications, in the Pragmatic Sanction of Charles VII., adopted after a solemn assembly of the clergy and nobles at Bourges and registered by the parlement of Paris in 1438. It suppressed the annates and most of the means by which the popes disposed of the inferior benefices: the reservations and the *gratiae expectativae*. For the choice of bishops and abbots, it restored election by the chapters and convents. The Pragmatic Sanction, however, was never recognized by the papacy, nor was it consistently and strictly applied by the royal power. The transformation of the civil and criminal law under the influence of Roman and canon law had become more and more marked. The production of the *coutumiers*, or *livres de pratiques*, also continued. The chief of them were: in the 14th century, the *Stylus Vetus Curiae Parlamenti* of Guillaume de Breuil; the *Très ancienne coutume de Bretagne*; the *Grand Coutumier de France*, or *Coutumier de Charles VI.*; the *Somme rural* of Boutillier; in the 15th century, for Auvergne, the *Practica forensis* of Masuer. Charles VII., in an article of the Grand Ordonnance of Montil-les-Tours (1453), ordered the general customs to be officially recorded under the supervision of the crown. It was an enormous work, which would almost have transformed them into written laws; but up to the 16th century little recording was done, the procedure established by the Ordonnance for the purpose not being very suitable.

**Papal encroachments.**

**Government under the absolute monarchy.**

*The Absolute Monarchy.*—From the 16th century to the Revolution was the period of the absolute monarchy, but it can be further divided into two periods: that of the establishment of this régime, from 1515 to about 1673; and that of the *ancien régime* when definitively established, from 1673 to 1789. The reigns of Francis I. and Henry II. clearly laid down the principle of the absolute power of the crown and applied it effectually, as is plainly seen from the temporary disappearance of the states general, which were not assembled under these two reigns. There were merely a few assemblies of notables chosen by the royal power, the most important of which was that of Cognac, under Francis I., summoned to advise on the non-fulfilment of the treaty of Madrid. It is true that in the second half of the 16th century the states general reappeared. They were summoned in 1560 at Orleans, then in 1561 at Pontoise, and in 1576 and 1588 at Blois. The League even convoked one, which was held at Paris in 1593. This represented a crucial and final struggle. Two points were then at issue: firstly, whether France was to be Protestant or Catholic; secondly, whether she was to have a limited or an absolute monarchy. The two problems were not necessarily bound up with one another. For if the Protestants desired political liberty, many of the Catholics wished for it too, as is proved by the writings of the time, and even by the fact that the League summoned the estates. But the states general of the 16th century, in spite of their good intentions and the great talents which were at their service, were dominated by religious passions, which made them powerless for any practical purpose. They only produced a few great ordinances of reform, which were not well observed. They were, however, to be called together yet again, as a result of the disturbances which followed the death of Henry IV.; but their dissensions and powerlessness were again strikingly exemplified and they did not reappear until 1789. Other bodies, however, which the royal power had created, were to carry on the struggle against it. There were the parlements, the political rivals of the states general. Thanks to the principle according to which no law came into effect so long as it had not been registered by them, they had, as we have seen, won for themselves the right of a preliminary discussion of those laws which were presented to them, and of refusing registration, explaining their reasons to the king by means of the *remontrances*. The royal power saw in this merely a concession from itself, a consultative power, which ought to yield before the royal will, when the latter was clearly manifested, either by *lettres de jussion* or by the actual words and presence of the king, when he came in person to procure the registration of a law in a so-called *lit de justice*. But from the 16th century onwards the members of the parlements claimed, on the strength of a historical theory, to have inherited the powers of the ancient assemblies (the Merovingian and Carolingian *placita* and the *curia*

*regis*), powers which they, moreover, greatly exaggerated. The successful assertion of this claim would have made them at once independent of and necessary to the crown. During the minority of kings, they had possessed, in fact, special opportunities for asserting their pretensions, particularly when they had been called upon to intervene in the organization of the regency. It is on this account that at the beginning of the reign of Louis XIV. the parlement of Paris wished to take part in the government, and in 1648, in concert with the other supreme courts of the capital, temporarily imposed a sort of charter of liberties. But the first Fronde, of which the parlement was the centre and soul, led to its downfall, which was completed when later on Louis XIV. became all-powerful. The ordinance of 1667 on civil procedure, and above all a declaration of 1673, ordered the parlement to register the laws as soon as it received them and without any modification. It was only after this registration that they were allowed to draw up remonstrances, which were henceforth futile. The nobles, as a body, had also become politically impotent. They had been sorely tried by the wars of religion, and Richelieu, in his struggles against the governors of the provinces, had crushed their chief leaders. The second Fronde was their last effort (see [FRONDE](#)). At the same time the central government underwent changes. The great officers of the crown disappeared one by one. The office of constable of France was suppressed by purchase during the first half of the 17th century, and of those in the first rank only the chancellor survived till the Revolution. But though his title could only be taken from him by condemnation on a capital charge, the king was able to deprive him of his functions by taking from him the custody and use of the seal of France, which were entrusted to a *garde des sceaux*. Apart from the latter, the king's real ministers were the secretaries of state, generally four in number, who were always removable and were not chosen from among the great nobles. For purposes of internal administration, the provinces were divided among them, each of them corresponding by despatches with those which were assigned to him. Any other business (with the exception of legal affairs, which belonged to the chancellor, and finance, of which we shall speak later) was divided among them according to convenience. At the end of the 16th century, however, were evolved two regular departments, those of war and foreign affairs. Under Francis I. and Henry II., the chief administration of finance underwent a change; for the four *généraux des finances*, who had become too powerful, were substituted the *intendants des finances*, one of whom soon became a chief minister of finance, with the title *surintendant*. The *généraux des finances*, like the *trésoriers* de France, became provincial officials, each at the head of a *généralité* (a superior administrative district for purposes of finance); under Henry II. the two functions were combined and assigned to the *bureaux des finances*. The fall of Fouquet led to the suppression of the office of *surintendant*; but soon Colbert again became practically a minister of finance, under the name of *contrôleur général des finances*, both title and office continuing to exist up to the Revolution.

The *conseil du roi*, the origin of which we have described, was an important organ of the central government, and for a long time included among its members a large number of representatives of the nobility and clergy. Besides the councillors of state (*conseillers d'état*), its ordinary members, the great officers of the crown and secretaries of state, princes of the blood and peers of France were members of it by right. Further, the king was accustomed to grant the brevet of councillor to a great number of the nobility and clergy, who could be called upon to sit in the council and give an opinion on matters of importance. But in the 17th century the council tended to differentiate its functions, forming three principal sections, one for political, one for financial, and the third for legal affairs. Under Louis XIV. it took a definitely professional, administrative and technical character. The *conseillers à brevet* were all suppressed in 1673, and the peers of France ceased to be members of the council. The political council, or *conseil d'en haut*, had no *ex officio* members, not even the chancellor; the secretary of state for foreign affairs, however, necessarily had entry to it; it also included a small number of persons chosen by the king and bearing the title of ministers of state (*ministres d'état*). The other important sections of the conseil du roi were the *conseil des finances*, organized after the fall of Fouquet, and the *conseil des dépêches*, in which sat the four secretaries of state and where everything concerned with internal administration (except finance) was dealt with, including the legal business connected with this administration. As to the government and the preparation of laws, under Louis XIV. and Louis XV., the *conseil du roi* often passed into the background, when, as the saying went, a minister who was projecting some important measure *travaillait seul avec le roi* (worked alone with the king), having from the outset gained the king's ear.

The chief authority in the provincial administration belonged in the 16th century to the governors of the provinces, though, strictly speaking, the governor had only military powers in his *gouvernement*; for, as we have seen, he was the direct representative of the king for general purposes. But at the end of this century were created the **Provincial administration.** the intendants of the provinces, who, after a period of conflict with the

governors and the parlements, became absolute masters of the administration in all those provinces which had no provincial estates, and the instruments of a complete administrative centralization (see [INTENDANT](#)).

The towns having a *corps de ville*, that is to say, a municipal organization, preserved in the 16th century a fairly wide autonomy, and played an important part in the wars of religion, especially under the League. But under Louis XIV. their independence rapidly declined. They were placed under the tutelage of the intendants, whose sanction, or that of the *conseil du roi*, was necessary for all acts of any importance. In the closing years of the 17th century, the municipal officials ceased, even in principle, to be elective. Their functions ranked as offices which were, like royal offices, saleable and heritable. The pretext given by the edicts were the intrigues and dissensions caused by the elections; the real cause was that the government wanted to sell these offices, which is proved by the fact that it frequently allowed towns to redeem them and to re-establish the elections.

The sale of royal offices is one of the characteristic features of the *ancien régime*. It had begun early, and, apparently, with the office of councillor of the parlement of Paris, when this became permanent, in the second half of the 14th century. It was first practised by magistrates who wished to dispose of their office in favour of a successor of their own choice. The *resignatio in favorem* of ecclesiastical benefices served as model, and at first care was taken to conceal the money transaction between the parties. The crown winked at these resignations in consideration of a payment in money. But in the 16th century, under Francis I. at the latest, the crown itself began officially to sell offices, whether newly created or vacant by the death of their occupiers, taking a fee from those upon whom they were conferred. Under Charles IX. the right of resigning *in favorem* was recognized by law in the case of royal officials, in return for a payment to the treasury of a certain proportion of the price. In the case of judicial offices there was a struggle for at least two centuries between the system of sale and another, also imitated from canon law, *i.e.* the election or presentation of candidates by the legal corporations. The ordinances of the second half of the 16th century, granted in answer to complaints of the states general, restored and confirmed the latter system, giving a share in the presentation to the towns or provincial notables and forbidding sales. The system of sale, however, triumphed in the end, and, in the case of judges, had, moreover, a favourable result, assuring to them that irremovability which Louis XI. had promised in vain; for, under this system, the king could not reasonably dismiss an official arbitrarily without refunding the fee which he had paid. On the other hand, it contributed to the development of the *épices*, or dues paid by litigants to the judges. The system of sale, and with it irremovability, was extended to all official functions, even to financial posts. The process was completed by the recognition of the rights in the sale of offices as hereditary, *i.e.* the right of resigning the office on payment of a fee, either in favour of a competent descendant or of a third party, passed to the heirs of an official who had died without having exercised this right himself. It was established under Henry IV. in 1604 by the system called the *Paulette*, in return for the payment by the official of an annual fee (*droit annuel*) which was definitely fixed at a hundredth part of the price of the office. Thus these offices, though the royal nomination was still required as well as the professional qualifications required by the law, became heritable property in virtue of the finance attached to them. This led to the formation of a class of men who, though bound in many ways to the crown, were actually independent. Hence the tendency in the 18th century to create new and important functions under the form, not of offices, but of simple commissions.

In this period of the history of France were evolved and defined the essential principles of the old public law. There were, in the first place, the *fundamental laws of the realm*, which were true constitutional principles, established for the most part not by law but by custom, and considered as binding in respect of the king himself; so that, although he was sovereign, he could neither abrogate, nor modify, nor violate them. There was, however, some discussion as to what rules actually came under this category, except in the case of two series about which there was no doubt. These were, on the one hand, those which dealt with the succession to the crown and forbade the king to change its order, and those which proclaimed the inalienability of the royal domain, against which no title by prescription was valid. This last principle, introduced in the 14th century, had been laid down and defined by the edict of Moulins in 1566; it admitted only two exceptions: the formation of appanages (*q.v.*), and selling (*engagement*), to meet the necessities of war, with a perpetual option of redeeming it.

There was in the second place the theory of the rights, franchises and liberties of the Gallican Church, formed of elements some of which were of great antiquity, and based on the

conditions which had determined the relations of the Gallican Church with the crown and papacy during the Great Schism and under the Pragmatic Sanction of Bourges, and defined at the end of the 16th and the beginning of the 17th century. This body of doctrine was defined by the writings of three men especially, Guy Coquille, Pierre Pithou and Pierre Dupuy, and was solemnly confirmed by the declaration of the clergy of France, or *Déclaration des quatre articles* of 1682, and by the edict which promulgated it. Its substance was based chiefly on three principles: firstly, that the temporal power was absolutely independent of the spiritual power; secondly, that the pope had authority over the clergy of France in temporal matters and matters of discipline only by the consent of the king; thirdly, that the king had authority over and could legislate for the Gallican Church in temporal matters and matters of discipline. The old public law provided a safeguard against the violation of these rules. This was the process known as the *appel comme d'abus*, formed of various elements, some of them very ancient, and definitely established during the 16th century. It was heard before the parlements, but could, like every other case, be evoked before the royal council. Its effect was to annul any act of the ecclesiastical authority due to abuse or contrary to French law. The clergy were, when necessary, reduced to obedience by means of arbitrary fines and by the seizure of their temporalities. The Pragmatic Sanction had been abrogated and replaced by the Concordat of 1515, concluded between Francis I. and Leo X., which remained in force until suppressed by the Constituent Assembly. The Concordat, moreover, preserved many of the enactments of the Pragmatic Sanction, notably those which protected the collation of the inferior benefices from the encroachments of the papacy, and which had introduced reforms in certain points of discipline. But in the case of the superior benefices (bishoprics and abbeys) election by the chapters was suppressed. The king of France nominated the candidate, to whom the pope gave canonical institution. As a matter of fact, the pope had no choice; he had to institute the nominee of the king, unless he could show his unworthiness or incapacity, as the result of inquiries regularly conducted in France; for the pope it was, as the ancient French authors used to say, a case of compulsory collation. The annates were re-established at the time of the Concordat, but considerably diminished in comparison with what they had been before the Pragmatic Sanction. We must add, to complete this account, that many of the inferior benefices, in France as in the rest of Christendom, were conferred according to the rules of patronage, the patron, whether lay or ecclesiastic, presenting a candidate whom the bishop was bound to appoint, provided he was neither incapable nor unsuitable. There was some difficulty in getting the Concordat registered by the parlement of Paris, and the latter even announced its intention of not taking the Concordat into account in those cases concerning benefices which might come before it. The crown found an easy method of making this opposition ineffectual, namely, to transfer to the Grand Conseil the decision of cases arising out of the application of the Concordat.

In the 16th century also, contributions to the public services drawn from the immense possessions of the clergy were regularized. Since the second half of the 12th century at least, the kings had in times of urgent need asked for subsidies from the church, and ever since the Saladin tithe (*dime saladine*) of Philip Augustus this contribution had assumed the form of a tithe, taking a tenth part of the revenue of the benefices for a given period. Tithes of this kind were fairly frequently granted by the clergy of France, either with the pope's consent or without (this being a disputed point). After the conclusion of the Concordat, Leo X. granted the king a tithe (*décime*) under the pretext of a projected war against the Turks; hitherto concessions of this kind had been made by the papacy in view of the Crusades or of wars against heretics. The concession was several times renewed, until, by force of custom, the levying of these tithes became permanent. But in the middle of the 16th century the system changed. The crown was heavily in debt, and its needs had increased. The property of the clergy having been threatened by the states general of 1560 and 1561, the king proposed to them to remit the bulk of the tithes and other dues, in return for the payment by them of a sum equivalent to the proceeds of the taxes which he had mortgaged. A formal contract to this effect was concluded at Poissy in 1561 between the king and the clergy of France, represented by the prelates who were then gathered together for the Colloquy of Poissy with the Protestants, and some of those who had been sitting at the states general of Pontoise. The fulfilment of this agreement was, however, evaded by the king, who diverted part of the funds provided by the clergy from their proper purpose. In 1580, after a period of ten years which had been agreed on, a new assembly of the clergy was called together and, after protesting against this action, renewed the agreement, which was henceforward always renewed every ten years. Such was the definitive form of the contribution of the clergy, who also acquired the right of themselves assessing and levying these taxes on the holders of benefices. Thus every ten years there was a great assembly of the clergy, the members of which were elected. There were two stages in the election, a preliminary one in the dioceses and a further election in the ecclesiastical provinces, each province sending four deputies to the general assembly, two of the first rank, that is to say, chosen from the episcopate, and two of the

second rank, which included all the other clergy. The *dons gratuits* (benevolences) voted by the assembly comprised a fixed sum equivalent to the old tithes and supplementary sums paid on one occasion only, which were sometimes considerable. The church, on her side, profited by this arrangement in order to obtain the commutation or redemption of the taxes affecting ecclesiastics considered as individuals. This settlement only applied to the "clergy of France," that is to say, to the clergy of those districts which were united to the crown before the end of the 16th century. The provinces annexed later, called *pays étrangers*, or *pays conquis*, had in this matter, as in many others, an arrangement of their own. At last, under Louis XV. the edict of 1749, *concernant les établissements et acquisitions des gens de mainmorte*, was completely effective in subordinating the acquisition of property by ecclesiastical establishments to the consent and control of the crown, rendering them incapable of acquiring real property by bequests.

At the end of the 16th century a wise law had been made which, in spite of the traces which it bore of past struggles, had established a reasonable balance among the Christians of France. The edict of Nantes, in 1598, granted the Protestants full civil rights, liberty of conscience and public worship in many places, and notably in all the royal *bailliages*. The Catholics, whose religion was essentially a state religion, had never accepted this arrangement as final, and at last, in 1685, under Louis XIV., the edict of Nantes was revoked and the Protestant pastors expelled from France. Their followers were forbidden to leave the country, but many succeeded nevertheless in escaping abroad. The position of those who remained behind was peculiar. Laws passed in 1715 and 1724 established the legal theory that there were no longer any Protestants in France, but only *vieux catholiques* and *nouveaux convertis*. The result was that henceforth they had no longer any regular civil status, the registers containing the lists of Catholics enjoying civil rights being kept by the Catholic clergy.

The form of government established under Louis XIV. was preserved without any fundamental modification under Louis XV. After the death of Louis XIV., however, the regent, under the inspiration of the duc de St Simon, made trial of a system of which the latter had made a study while in a close correspondence with the duke of Burgundy. It consisted in substituting for the authority of the ministers, secretaries of state and controller-general councils, or governmental bodies, mainly composed of great lords and prelates. These only lasted for a few years, when a return was made to the former organization. The parlements had regained their ancient rights in consequence of the parlement of Paris having, in 1715, set aside the will of Louis XIV. as being contrary to the fundamental laws of the kingdom, in that it laid down rules for the composition of the council of regency, and limited the power of the regent. This newly revived power they exercised freely, and all the more so since they were the last surviving check on the royal authority. During this reign there were numerous conflicts between them and the government, the causes of this being primarily the innumerable incidents to which the bull *Unigenitus* gave rise, and the increase of taxation; proceedings against Jesuits also figure conspicuously in the action of the parlements. They became at this period the avowed representatives of the nation; they contested the validity of the registration of laws in the *lits de justice*, asserting that laws could only be made obligatory when the registration had been freely endorsed by themselves. Before the registration of edicts concerning taxation they demanded a statement of the financial situation and the right of examining the accounts. Finally, by the theory of the *classes*, which considered the various parlements of France as parts of one and the same body, they established among them a political union. These pretensions the crown refused to recognize. Louis XV. solemnly condemned them in a *lit de justice* of December 1770, and in 1771 the chancellor Maupeou took drastic measures against them. The magistrates of the parlement of Paris were removed, and a new parlement was constituted, including the members of the *grand conseil*, which had also been abolished. The *cour des aides* of Paris, which had made common cause with the parlement, was also suppressed. Many of the provincial parlements were reorganized, and a certain number of useful reforms were carried out in the jurisdiction of the parlement of Paris; the object of these, however, was in most cases that of diminishing its importance. These actions, the *coup d'état* of the chancellor Maupeou, as they were called, produced an immense sensation. The repeated conflicts of the reign of Louis XV. had already given rise to a whole literature of books, pamphlets and tracts in which the rights of the crown were discussed. At the same time the political philosophy of the 18th century was disseminating new principles, and especially those of the supremacy of the people and the differentiation of powers, the government of England also became known among the French. Thus men's minds were being prepared for the Revolution.

The personal government of Louis XVI. from 1774 to 1789 was chiefly marked by two series of facts. Firstly, there was the partial application of the principles propounded by the French economists of this period, the Physiocrats, who had a political doctrine peculiar to

themselves. They were not in favour of political liberty, but attached on the contrary to the absolute monarchy, of which they did not fear the abuses because they were convinced that so soon as they should be known, reason (*évidence*) alone would suffice to make the crown respect the “natural and essential laws of bodies politic” (*Lois naturelles et essentielles des sociétés politiques*, the title of a book by Mercier de La Rivière). On the other hand, they favoured civil and economic liberty. They wished, in particular, to decentralize the administration and restore to the landed proprietors the administration and levying of taxes, which they wished to reduce to a tax on land only. This school came into power with Turgot, who was appointed controller-general of the finances, and laid the foundations of many reforms. He actually accomplished for the moment one very important reform, namely, the suppression of the trade and craft guilds (*communautés, jurandes et maîtrises*). This organization, which was common to the whole of Europe (see [GILDS](#)), had taken definitive shape in France in the 13th and 14th centuries, but had subsequently been much abused. Turgot suppressed the privileges of the *maîtres*, who alone had been able to work on their own account, or to open shops and workshops, and thus proclaimed the freedom of labour, industry and commerce. However, the old organization, slightly amended, was restored under his successor Necker. It was Turgot’s purpose to organize provincial and other inferior assemblies, whose chief business was to be the assessment of taxes. Necker applied this idea, partially and experimentally, by creating a few of these provincial assemblies in various *généralités* of the *pays d’élections*. A general reform on these lines and on a very liberal basis was proposed by Calonne to the assembly of notables in 1787, and it was brought into force for all the *pays d’élections*, though not under such good conditions, by an edict of the same year. Louis XVI. had inaugurated his reign by the restoration of the parlements; all the bodies which had been suppressed by Maupeou and all the officials whom he had dismissed were restored, and all the bodies and officials created by him were suppressed. But it was not long before the old struggle between the crown and parlements again broke out. It began by the conservative opposition offered by the parlement of Paris to Turgot’s reforms. But the real struggle broke out in 1787 over the edicts coming from the assembly of notables, and particularly over the two new taxes, the stamp duty and the land tax. The parlement of Paris refused to register them, asserting that the consent of the taxpayers, as represented by the states general, was necessary to fresh taxation. The struggle seemed to have come to an end in September; but in the following November it again broke out, in spite of the king’s promise to summon the states general. It reached its height in May 1788, when the king had created a *cour plénière* distinct from the parlements, the chief function of which was to register the laws in their stead. A widespread agitation arose, amounting to actual anarchy, and was only ended by the recall of Necker to power and the promise to convoke the states general for 1789.

*Various Institutions.*—The permanent army which, as has been stated above, was first established under Charles VII., was developed and organized during the *ancien régime*. The *gendarmerie* or heavy cavalry was continuously increased in numbers. On the other hand, the *francs archers* fell into disuse after Louis XI.; and, after a fruitless attempt had been made under Francis I. to establish a national infantry, the system was adopted for this also of recruiting permanent bodies of mercenaries by voluntary enlistment. First there were the “old bands” (*vieilles bandes*), chiefly those of Picardy and Piedmont, and at the end of the 16th century appeared the first regiments, the number of which was from time to time increased. There were also in the service and pay of the king French and foreign regiments, the latter principally Swiss, Germans and Scots. The system of purchase penetrated also to the army. Each regiment was the property of a great lord; the captain was, so to speak, owner of his company, or rather a contractor, who, in return for the sums paid him by the king, recruited his men and gave them their uniform, arms and equipment. In the second half of the reign of Louis XIV. appeared the militia (*milices*). To this force each parish had to furnish one recruit, who was at first chosen by the assembly of the inhabitants, later by drawing lots among the bachelors or widowers without children, who were not exempt. The militia was very rarely raised from the towns. The purpose for which these men were employed varied from time to time. Sometimes, as under Louis XIV., they were formed into special active regiments. Under Louis XV. and Louis XVI. they were formed into *régiments provinciaux*, which constituted an organized reserve. But their chief use was during war, when they were individually incorporated into various regiments to fill up the gaps.

Under Louis XV., with the duc de Choiseul as minister of war, great and useful reforms were effected in the army. Choiseul suppressed what he called the “farming of companies” (*compagnie-ferme*); recruiting became a function of the state, and voluntary enlistment a contract between the recruit and the state. Arms, uniform and equipment were furnished by the king. Choiseul also equalized the numbers of the military units, and his reforms, together

with a few others effected under Louis XVI., produced the army which fought the first campaigns of the Revolution.

One of the most distinctive features of the *ancien régime* was excessive taxation. The taxes imposed by the king were numerous, and, moreover, hardly any of them fell on all parts of the kingdom. To this territorial inequality was added the inequality arising from privileges. Ecclesiastics, nobles, and many of the crown officials were exempted from the heaviest imposts. The chief taxes were the *taille* (*q.v.*), the *aides* and the *gabelle* (*q.v.*), or monopoly of salt, the consumption of which was generally made compulsory up to the amount determined by regulations. In the 17th and 18th centuries certain important new taxes were established: from 1695 to 1698 the *capitation*, which was re-established in 1701 with considerable modifications, and in 1710 the tax of the *dixième*, which became under Louis XV. the tax of the *vingtièmes*. These two imposts had been established on the principle of equality, being designed to affect every subject in proportion to his income; but so strong was the system of privileges, that as a matter of fact the chief burden fell upon the roturiers. The income of a roturier who was not exempt was thus subject in turn to three direct imposts: the *taille*, the *capitation* and the *vingtièmes*, and the apportioning or assessment of these was extremely arbitrary. In addition to indirect taxation strictly so called, which was very extensive in the 17th and 18th centuries, France under the *ancien régime* was subject to the *traites*, or customs, which were not only levied at the frontiers on foreign trade, but also included many internal custom-houses for trade between different provinces. Their origin was generally due to historical reasons; thus, among the *provinces réputées étrangères* were those which in the 14th century had refused to pay the aids for the ransom of King John, also certain provinces which had refused to allow customs offices to be established on their foreign frontier. Colbert had tried to abolish these internal duties, but had only succeeded to a limited extent.

The indirect taxes, the *traites* and the revenues of the royal domain were farmed out by the crown. At first a separate contract had been made for each impost in each *élection*, but later they were combined into larger lots, as is shown by the name of one of the customs districts, *l'enceinte des cinq grosses fermes*. From the reign of Henry IV. on the levying of each indirect impost was farmed *en bloc* for the whole kingdom, a system known as the *fermes générales*; but the real *ferme générale*, including all the imposts and revenues which were farmed in the whole of France, was only established under Colbert. The *ferme générale* was a powerful company, employing a vast number of men, most of whom enjoyed various privileges. Besides the royal taxes, seigniorial imposts survived under the form of tolls and market dues. The lords also often possessed local monopolies, *e.g.* the right of the common bakehouse (*four banal*), which were called the *banalités*.

The organization of the royal courts of justice underwent but few modifications during the *ancien régime*. The number of parlements, of *cours des aides* and of *cours des comptes* increased; in the 17th century the name of *conseil supérieur* was given to some new bodies which actually discharged the functions of the parlement, this being the period of the decline of the parlement. In the 16th century, under Henry II., had been created *présidiaux*, or courts of final jurisdiction, intended to avoid numerous appeals in small cases, and above all to avoid a final appeal to the parlements. Seigniorial courts survived, but were entirely subordinate to the royal jurisdictions and were badly officered by ill-paid and ignorant judges, the lords having long ago lost the right to sit in them in person. Their chief use was to deal with cases concerning the payment of feudal dues to the lord. Both lawyers and people would have preferred only two degrees of justice; and an ordinance of May 1788 realized this desire in the main. It did not suppress the seigniorial jurisdictions, but made their extinction a certainty by allowing litigants to ignore them and go straight to the royal judges. This was, however, reversed on the recall of Necker and the temporary triumph of the parlements.

The ecclesiastical jurisdictions survived to the end, but with diminished scope. Their competency had been considerably reduced by the Ordinance of Villers Cotterets of 1539, and by an edict of 1693. But a series of ingenious legal theories had been principally efficacious in gradually depriving them of most of the cases which had hitherto come under them. In the 18th century the privilege of clergy did not prevent civil suits in which the clergy were defendants from being almost always taken before secular tribunals, and ever since the first half of the 17th century, for all grave offences, or *cas privilégiés*, the royal judge could pronounce a sentence of corporal punishment on a guilty cleric without this necessitating his previous degradation. The inquiry into the case was, it is true, conducted jointly by the royal and the ecclesiastical judge, but each of them pronounced his sentence independently. All cases concerning benefices came before the royal judges. Finally, the *officialités* had no longer as a rule any jurisdiction over

laymen, even in the matter of marriage, except in questions of betrothals, and sometimes in cases of opposition to marriages. The parish priests, however, continued to enter declarations of baptisms, marriages and burials in registers kept according to the civil laws.

The general customs of the *pays coutumiers* were almost all officially recorded in the 16th century, definite procedure for this purpose having been adopted at the end of the 15th century. Drafts were prepared by the officials of the royal courts in the chief town of the district in which the particular customs were valid, and were then submitted to the government. The king then appointed commissioners to visit the district and promulgate the customs on the spot. For the purpose of this *publication* the lords, lay and ecclesiastical, of the district, with representatives of the towns and of various bodies of the inhabitants, were summoned for a given day to the chief town. In this assembly each article was read, discussed and put to the vote. Those which were approved by the majority were thereupon decreed (*décrétés*) by the commissioners in the king's name; those which gave rise to difficulties were put aside for the parlement to settle when it registered the *coutume*. The *coutumes* in this form became practically written law; henceforward their text could only be modified by a formal revision carried out according to the same procedure as the first version. Throughout the 16th century a fair number of *coutumes* were thus revised (*reformées*), with the express object of profiting by the observations and criticisms on the first text which had appeared in published commentaries and notes, the most important of which were those of Charles Dumoulin. In the 16th century there had been a revival of the study of Roman law, thanks to the historical school, among the most illustrious representatives of which were Jacques Cujas, Hugues Doneau and Jacques Godefroy; but this study had only slight influence on practical jurisprudence. Certain institutions, however, such as contracts and obligations, were regulated throughout the whole of France by the principles of Roman law.

Legislation by *ordonnances*, *édits*, *déclarations* or *lettres patentes*, emanating from the king, became more and more frequent; but the character of the *grandes ordonnances*, which were of a far-reaching and comprehensive nature, underwent a change during this period. In the 14th, 15th and 16th centuries they had been mainly *ordonnances de réformation* (i.e. revising previous laws), which were most frequently drawn up after a sitting of the states general, in accordance with the suggestions submitted by the deputies. The last of this type was the ordinance of 1629, promulgated after the states general of 1614 and the assemblies of notables which had followed it. In the 17th and 18th centuries they became essentially *codifications*, comprising a systematic and detailed statement of the whole branch of law. There are two of these series of codifying ordinances: the first under Louis XIV., inspired by Colbert and carried out under his direction. The chief ordinances of this group are that of 1667 on civil procedure (code of civil procedure); that of 1670 on the examination of criminal cases (code of penal procedure); that of 1673 on the commerce of merchants, and that of 1681 on the regulation of shipping, which form between them a complete code of commerce by land and sea. The ordinance of 1670 determined the formalities of that secret and written criminal procedure, as opposed to the hearing of both parties in a suit, which formerly obtained in France; it even increased its severity, continuing the employment of torture, binding the accused by oath to speak the truth, and refusing them counsel save in exceptional cases. The second series of codifications was made under Louis XV., through the action of the chancellor d'Aguesseau. Its chief result was the regulation, by the ordinances of 1731, 1735 and 1747, of deeds of gift between living persons, wills, and property left in trust. Under Louis XVI. some mitigation was made of the criminal law, notably the abolition of torture.

The feudal régime, in spite of the survival of seigniorial courts and tolls, was no longer of any political importance; but it still furnished the common form of real property. The fief, although it still implied homage from the vassal, no longer involved any service on his part (excepting that of the *arrière-ban* due to the king); but when a fief changed hands the lord still exacted his *profits*. Tenures held by *roturiers*, in addition to some similar rights of transfer, were generally subject to periodical and fixed contributions for the profit of the lord. This system was still further complicated by tenures which were simply real and not feudal, e.g. that by payment of ground rent, which were superadded to the others, and had become all the heavier since, in the 18th century, royal rights of transfer had been added to the feudal rights. The inhabitants of the country districts were longing for the liberation of real property.

Serfdom had disappeared from most of the provinces of the kingdom; among all the *coutumes* which were officially codified, not more than ten or so still recognized this institution. This had been brought about especially by the agency of the custom by which serfs had been transformed into *roturiers*. An edict of Louis XVI. of 1779 abolished serfdom on crown lands, and mitigated the condition

of the serfs who still existed on the domains of individual lords. The nobility still remained a privileged class, exempt from certain taxes. Certain offices were restricted to the nobility; according to an edict of Louis XVI. (1781) it was even necessary to be a noble in order to become an officer in the army. In fact, the royal favours were reserved for the nobility. Certain rules of civil and criminal procedure also distinguished nobles from *roturiers*. The acquisition of fiefs had ceased to bring nobility with it, but the latter was derived from three sources: birth, *lettres d'anoblissement* granted by the king and appointment to certain offices. In the 17th and 18th centuries the peers of France can be reckoned among the nobility, forming indeed its highest grade, though the rank of peer was still attached to a fief, which was handed down with it; on the eve of the Revolution there were thirty-eight lay peers. The rest of the nation, apart from the ecclesiastics, consisted of the *roturiers*, who were not subject to the disabilities of the serfs, but had not the privileges of the nobility. Hence the three orders (estates) of the kingdom: the clergy, the nobility and the *tiers état* (third estate). An edict of Louis XVI. had made a regular civil status possible to the Protestants, and had thrown open offices and professions to them, though not entirely; but the exercise of their religion was still forbidden.

**The three estates.**

*The Revolution.*—With the Revolution France entered the ranks of constitutional countries, in which the liberty of men is guaranteed by fixed and definite laws; from this time on, she has had always (except in the interval between two revolutions) a written constitution, which could not be touched by the ordinary legislative power. The first constitution was that of 1791; the states general of 1789, transformed by their own will, backed by public opinion, into the Constituent Assembly, drew it up on their own authority. But their work did not stop there. They abolished the whole of the old public law of France and part of the criminal law, or rather, transformed it in accordance with the principles laid down by the political philosophy of the 18th century. The principles which were then proclaimed are still, on most points, the foundation of modern French law. The development resulting from this extraordinary impetus can be divided into two quite distinct phases: the first, from 1789 to the *coup d'état* of the 18th Brumaire in the year VIII., was the continuation of the impulse of the Revolution; the second includes the Consulate and the first Empire, and was, as it were, the marriage or fusion of the institutions arising from the Revolution with those of the *ancien régime*.

On the whole, the constitutional law of the Revolution is a remarkably united whole, if we consider only the two constitutions which were effectively applied during this first phase, that of the 3rd of September 1791, and that of the 5th Fructidor in the year III. It is true that between them occurred the ultra-democratic constitution of the 24th of June 1793, the first voted by the Convention; but although this was ratified by the popular vote, to which it had been directly submitted, in accordance with a principle proclaimed by the Convention and kept in force under the Consulate and the Empire, it was never carried into effect. It was first suspended by the establishment of the revolutionary government strictly so called, and after Thermidor, under the pretext of completing it, the Convention put it aside and made a new one, being taught by experience. As long as it existed it was the sovereign assembly of the Convention itself which really exercised the executive power, governing chiefly by means of its great committees.

**The Constitutions of the Revolution.**

The constitution of 1791 was without doubt monarchical, in so far as it preserved royalty. The constitution of the year III. was, on the contrary, republican. The horror of monarchy was still so strong at that time that an executive college was created, a Directory of five members, one of whom retired every year; they were elected by a complicated and curious procedure, in which each of the two legislative councils played a distinct part. But this difference, though apparently essential, was not in reality very profound; this is proved, for example, by the fact that the Directory had distinctly more extensive powers than those conferred on Louis XVI. by the Constituent Assembly. On almost all points of importance the two constitutions were similar. They were both preceded by a statement of principles, a "Declaration of the Rights of Man and of the Citizen." They were both based on two principles which they construed alike: the sovereignty of the people and the separation of powers. Both of them (with the exception of what has been said with regard to the ratification of constitutions after 1793) recognized only representative government. From the principle of the sovereignty of the people they had not deduced universal suffrage; though, short of this, they had extended the suffrage as far as possible. According to the constitution of 1791, in addition to the conditions of age and residence, an elector was bound to pay a direct contribution equivalent to three days' work; the constitution of the year III. recognized the payment of any direct contribution as sufficient; it even conferred on every citizen the right of having himself enrolled, without any other qualification than a payment equivalent to three days' work, and thus to become an elector. Further, neither of the two constitutions admitted of a direct suffrage; the elections

were carried out in two stages, and only those who paid at a higher rating could be chosen as electors for the second stage. The executive power, which was in the case of both constitutions clearly separated from the legislative, could not initiate legislation. The Directory had no veto; Louis XVI. had with difficulty obtained a merely suspensive veto, which was overridden in the event of three legislatures successively voting against it. The right of dissolution was possessed by neither the king nor the Directory. Neither the king's ministers nor those of the Directory could be members of the legislative body, nor could they even be chosen from among its ranks. The ministers of Louis XVI. had, however, thanks to an unfortunate inspiration of the Constituent Assembly of 1791, the right of entry to, and, to a certain extent, of speaking in the Legislative Assembly; the constitution of the year III. showed greater wisdom in not bringing them in any way into contact with the legislative power. The greatest and most notable difference between the two constitutions was that that of 1791 established a single chamber which was entirely renewed every two years; that of the year III., on the contrary, profiting by the lessons of the past, established two chambers, one-third of the members of which were renewed every year. Moreover, the two chambers, the Council of Five Hundred and the Council of Ancients, were appointed by the same electors, and almost the only difference between their members was that of age.

The Revolution entirely abolished the *ancien régime*, and in the first instance whatever remained of feudalism. The Constituent Assembly, in the course of its immense work of settlement, wished to draw distinctions, abolishing absolutely, without indemnity, all rights which had amounted in the beginning to a usurpation and could not be justified, *e.g.* serfdom and seigniorial courts of justice. On the other hand, it declared subject to redemption such feudal charges as had been the subject of contract or of a concession of lands. But as it was almost impossible to discover the exact origin of various feudal rights, the Assembly had proceeded to do this by means of certain legal assumptions which sometimes admitted of a proof to the contrary. It carefully regulated the conditions and rate of repurchase, and forbade the creation in the future of any perpetual charge which could not be redeemed: a principle that has remained permanent in French law. This was a rational and equitable solution; but in a period of such violent excitement it could not be maintained. The Legislative Assembly declared the abolishment without indemnity of all feudal rights for which the original deed of concession could not be produced; and to produce this was, of course, in most cases impossible. Finally, the Convention entirely abolished all feudal rights, and commanded that the old deeds should be destroyed; it maintained on the contrary, though subject to redemption, those tenures and charges which were solely connected with landed property and not feudal.

With feudalism had been abolished serfdom. Further, the Constituent Assembly suppressed nobility; it even forbade any one to assume and bear the titles, emblems and arms of nobility. Thus was established the equality of citizens before the law. The Assembly also proclaimed the liberty of labour and industry, and suppressed the corporations of artisans and workmen, the *jurandes* and *maîtrises*, as Turgot had done. But, in order to maintain this liberty of the individual, it forbade all associations between workers, or employers, fearing that such contracts would again lead to the formation of corporations similar to the old ones. It even forbade and declared punishable, as being contrary to the declaration of the rights of man and the citizen, combinations or strikes, or an agreement between workmen or employers to refuse to work or to give work except on given conditions. Such, for a long time, was French legislation on this point.

The Constituent Assembly gave to France a new administrative division, that into departments, districts, cantons and communes; and this division, which was intended to make the old provincial distinctions disappear, had to serve all purposes, the department being the unit for all public services. This settlement was definitive, with the exception of certain modifications in detail, and exists to the present day. But there was a peculiar administrative organism depending on this arrangement. The constitution of 1791, it is true, made the king the titular head of the executive power; but the internal administration of the kingdom was not actually in his hands. It was deputed, under his orders, to bodies elected in each department, district and commune. The municipal bodies were directly elected by citizens duly qualified; other bodies were chosen by the method of double election. Each body consisted of two parts: a council, for deliberative purposes, and a *bureau* or *directoire* chosen by the council from among its numbers to form the executive. These were the only instruments for the general administration and for that of the direct taxes. The king could, it is true, annul the illegal acts of these bodies, but not dismiss their members; he could merely suspend them from exercising their functions, but the matter then went before the Legislative Assembly, which could maintain or remit the suspension as it thought fit. The king had not a single agent

**Abolition of the "ancien régime."**

**Administrative reorganization.**

chosen by himself for general administrative purposes. This was a reaction, though a very exaggerated one, against the excessive centralization of the *ancien régime*, and resulted in an absolute administrative anarchy. The organization of the revolutionary government partly restored the central authority; the councils of the departments were suppressed; the Committee of Public Safety and the “representatives of the people on mission” were able to remove and replace the members of the elected bodies; and also, by an ingenious arrangement, national agents were established in the districts. The constitution of the year III. continued in this course, simplifying the organization established by the Constituent Assembly, while maintaining its principle. The department had an administration of five members, elected as in the past, but having executive as well as deliberative functions. The district was suppressed. The communes retained only a municipal agent elected by themselves, and the actual municipal body, the importance of which was considerably increased, was removed to the canton, and consisted of the municipal agents from each commune, and a president elected by the duly qualified citizens of the canton. The Directory was represented in each departmental and communal administration by a commissary appointed and removable by itself, and could dismiss the members of these administrations.

The Constituent Assembly decided on the complete reorganization of the judicial organization. This was accomplished on a very simple plan, which realized that ideal of the two degrees of justice which, as we have noticed, was that of France under the *ancien régime*. In the lower degrees it created in each canton a justice of the peace (*juge de paix*), the idea and name of which were borrowed from England, but which differed very much from the English justice of the peace. He judged, both with and without appeal, civil cases of small importance; and, in cases which did not come within his competency, it was his duty to try to reconcile the parties. In each district was established a civil court composed of five judges. This completed the judicial organization, except for the court of cassation, which had functions peculiar to itself, never judging the facts of the case but only the application of the law. For cases coming under the district court, the Assembly had not thought fit to abolish the guarantee of the appeal in cases involving sums above a certain figure. But by a curious arrangement the district tribunals could hear appeals from one another. With regard to penal prosecutions, there was in each department a criminal court which judged crimes with the assistance of a jury; it consisted of judges borrowed from district courts, and had its own president and public prosecutor. Correctional tribunals, composed of *juges de paix*, dealt with misdemeanours. The Assembly preserved the commercial courts, or consular jurisdictions, of the *ancien régime*. There was a court of cassation, the purpose of which was to preserve the unity of jurisprudence in France; it dealt with matters of law and not of fact, considering appeals based on the violation of law, whether in point of matter or of form, and if such violation were proved, sending the matter before another tribunal of the same rank for re-trial. All judges were elected for a term of years; the *juges de paix* by the primary assembly of the canton, the district judges by the electoral assembly consisting of the electors of the second degree for the district, the members of the court of cassation by the electors of the departments, who were divided for the purpose into two series, which voted alternately. The Constituent Assembly did, it is true, require professional guarantees, by proof of a more or less extended exercise of the profession of lawyer from all judges except the *juges de paix*. But the system was really the same as that of the administrative organization. The king only appointed the *commissaires du roi* attached to the district courts, criminal tribunals and the court of cassation; but the appointment once made could not be revoked by him. These commissaries fulfilled one of the functions of the old *ministère public*, their duty being to demand the application of laws. The Convention did not change this general organization; but it suppressed the professional guarantees required in the case of candidates for a judgeship, so that henceforth all citizens were eligible; and it also caused new elections to take place. Moreover, the Convention, either directly or by means of one of its committees, not infrequently removed and replaced judges without further election. The constitution of the year III. preserved this system, but introduced one considerable modification. It suppressed the district courts, and in their place created in each department a civil tribunal consisting of twenty judges. The idea was a happy one, for it gave the courts more importance, and therefore more weight and dignity. But this reform, beneficial as it would be nowadays, was at the time premature, in view of the backward condition of means of communication.

The Constituent Assembly suppressed the militia and maintained the standing army, according to the old type, the numbers of which were henceforth to be fixed every year by the Legislative Assembly. The army was to be recruited by voluntary enlistment, careful rules for which were drawn up; the only change was in the system of appointment to ranks; promotion went chiefly by seniority, and in the lower ranks a system of nomination by equals or inferiors was organized. The Assembly

### **Judicial system.**

### **The army.**

proclaimed, however, the principle of compulsory and personal service, but under a particular form, that of the National Guard, to which all qualified citizens belonged, and in which almost all ranks were conferred by election. Its chief purpose was to maintain order at home; but it could be called upon to furnish detachments for defence against foreign invasion. This was an institution which, with many successive modifications, and after various long periods of inactivity followed by a revival, lasted more than three-quarters of a century, and was not suppressed till 1871. For purposes of war the Convention, in addition to voluntary enlistments and the resources furnished by the National Guards, and setting aside the forced levy of 200,000 men in 1793, decided on the expedient of calling upon the communes to furnish men, a course which revived the principle of the old militia. But the Directory drew up an important military law, that of the 6th Fructidor of the year VI., which established compulsory military service for all, under the form of conscription strictly so called. Frenchmen aged from 20 to 25 (*défenseurs conscrits*) were divided into five classes, each including the men born in the same year, and were liable until they were 25 years old to be called up for active service, the whole period of service not exceeding four years. No class was called upon until the younger classes had been exhausted, and the sending of substitutes was forbidden. This law, with a few later modifications, provided for the French armies up to the end of the Empire.

The Constituent Assembly abolished nearly all the taxes of the *ancien régime*. Almost the only taxes preserved were the stamp duty and that on the registration of acts (the old *contrôle* and *centième denier*), and these were completely reorganized; the customs were maintained only at the frontiers for foreign trade. In the establishment of new taxes the Assembly was influenced by two sentiments: the hatred which had been inspired by the former arbitrary taxation, and the influence of the school of the Physiocrats. Consequently it did away with indirect taxation on objects of consumption, and made the principal direct tax the tax on land. Next in importance were the *contribution personnelle et mobilière* and the *patentes*. The essential elements of the former were a sort of capitation-tax equivalent to three days' work, which was the distinctive and definite sign of a qualified citizen, and a tax on personal income, calculated according to the rent paid. The *patentes* were paid by traders, and were also based on the amount of rent. These taxes, though considerably modified later, are still essentially the basis of the French system of direct taxation. The Constituent Assembly had on principle repudiated the tax on the gross income, much favoured under the *ancien régime*, which everybody had felt to be arbitrary and oppressive. The system of public contributions under the Convention was arbitrary and revolutionary, but the councils of the Directory, side by side with certain bad laws devised to tide over temporary crises, made some excellent laws on the subject of taxation. They resumed the regulation of the land tax, improving and partly altering it, and also dealt with the *contribution personnelle et mobilière*, the *patentes*, and the stamp and registration duties. It was at this time, too, that the door and window tax, which still exists, was provisionally established; there was also a partial reappearance of indirect taxation, in particular the *octrois* of the towns, which had been suppressed by the Constituent Assembly.

The Constituent Assembly gave the Protestants liberty of worship and full rights; it also gave Jews the status of citizen, which they had not had under the *ancien régime*, together with political rights. With regard to the Catholic Church, the Assembly placed at the disposal of the nation the property of the clergy, which had already, in the course of the 18th century, been regarded by most political writers as a national possession; at the same time it provided for salaries for the members of the clergy and pensions for those who had been monks. It abolished tithes and the religious orders, and forbade the re-formation of the latter in the future. The ecclesiastical districts were next reorganized, the department being always taken as the chief unit, and a new church was organized by the civil constitution of the clergy, the bishops being elected by the electoral assembly of the department (the usual electors), and the curés by the electoral assembly of the district. This was an unfortunate piece of legislation, inspired partly by the old Gallican spirit, partly by the theories on civil religion of J.J. Rousseau and his school, and, together with the civic oath imposed on the clergy, it was a source of endless troubles. The constitutional church established in this way was, however, abolished as a state institution by the Convention. By laws of the years III. and IV. the Convention and the Directory, in proclaiming the liberty of worship, declared that the Republic neither endowed nor recognized any form of worship. Buildings formerly consecrated to worship, which had not been alienated, were again placed at the disposal of worshippers for this purpose, but under conditions which were hard for them to accept.

The Assemblies of the Revolution, besides the laws which, by abolishing feudalism, altered the character of real property, passed many others concerning civil law. The most important are those of 1792, passed by the Legislative Assembly, which organized the registers of the *état civil* kept by the municipalities, and laid down rules for marriage as a

#### **Taxation.**

#### **Religious liberty.**

**Civil law.** purely civil contract. Divorce was admitted to a practically unlimited extent; it was possible not only for causes determined by law, and by mutual consent, but also for incompatibility of temper and character proved, by either husband or wife, to be of a persistent nature. Next came the laws of the Convention as to inheritance, imposing perfect equality among the natural heirs and endeavouring to ensure the division of properties. Illegitimate children were considered by these laws as on the same level with legitimate children. The Convention and the councils of the Directory also made excellent laws on the administration of *hypothèques*, and worked at the preparation of a Civil Code (see [CODE NAPOLÉON](#)). In criminal law their work was still more important. In 1791

**Criminal law.** the Constituent Assembly gave France her first penal code. It was inspired by humanitarian ideas, still admitting capital punishment, though accompanied by no cruelty in the execution; but none of the remaining punishments was for life. Long imprisonment with hard labour was introduced. Finally, as a reaction against the former system of arbitrary penalties, there came a system of fixed penalties determined, both as to its assessment and its nature, for each offence, which the judge could not modify. The Constituent Assembly also reformed the procedure of criminal trials, taking English law as model. It introduced the jury, with the double form of *jury d'accusation* and *jury de jugement*. Before the judges procedure was always public and oral. The prosecution was left in principle to the parties concerned, plaintiffs or *dénonciateurs civiques*, and the preliminary investigation was handed over to two magistrates; one was the *juge de paix*, as in English procedure at this period, and the other a magistrate chosen from the district court and called the *directeur du jury*. The Convention, before separating, passed the *Code des délits et des peines* of the 3rd Brumaire in the year IV. This piece of work, which was due to Merlin de Douai, was intended to deal with criminal procedure and penal law; but only the first part could be completed. It was the procedure established by the Constituent Assembly, but further organized and improved.

*The Consulate and the Empire.*—The constitutional law of the Consulate and the Empire is to be found in a series of documents called later the *Constitutions de l'Empire*, the constitution promulgated during the Hundred Days being consequently given the name of *Acte additionnel aux Constitutions de l'Empire*. These documents consist of (1) the Constitution of the 22nd Frimaire of the year VIII., the work of Sieyès and Bonaparte, the text on which the others were based; (2) the *senatus consulte* of the 16th Thermidor in the year X., establishing the consulate for life; and (3) the *senatus consulte* of the 28th Floréal in the year XII., which created the Empire. These constitutional acts, which were all, whether in their full text or in principle, submitted to the popular vote by means of a *plébiscite*, had all the same object: to assure absolute power to Napoleon, while preserving the forms and appearance of liberty. Popular suffrage was maintained, and even became universal; but, since the system was that of suffrage in many stages, which, moreover, varied very much, the citizens in effect merely nominated the candidates, and it was the Senate, playing the part of *grand électeur* which Sieyès had dreamed of as his own, which chose from among them the members of the various so-called elected bodies, even those of the political assemblies. According to the constitution of the year VIII., the first consul (to whom had been added two colleagues, the second and third consuls, who did not disappear until the Empire) possessed the executive power in the widest sense of the word, and he alone could initiate legislation. There were three representative assemblies in existence, elected as we have seen; but one of them, the Corps Législatif, passed laws without discussing them, and without the power of amending the suggestions of the government. The Tribunate, on the contrary, discussed them, but its vote was not necessary for the passing of the law. The Senate was the guardian and preserver of the constitution; in addition to its role of *grand électeur*, its chief function was to annul laws and acts submitted to it by the Tribunate as being unconstitutional. This original organization was naturally modified during the course of the Consulate and the Empire; not only did the emperor obtain the right of directly nominating senators, and the princes of the imperial family, and grant dignitaries of the Empire that of entering the Senate by right; but a whole body, the Tribunate, which was the only one which could preserve some independence, disappeared, without resort having been had to a plebiscite; it was modified and weakened by *senatus consulte* of the year X., and was suppressed in 1807 by a mere *senatus consulte*. The importance of another body, on the contrary, the *conseil d'état*, which had been formed on the improved type of the ancient *conseil du roi*, and consisted of members appointed by Napoleon and carefully chosen, continually increased. It was this body which really prepared and discussed the laws; and it was its members who advocated them before the Corps Législatif, to which the Tribunate also sent orators to speak on its behalf. The ministers, who had no relation with the legislative power, were merely the agents of the head of the state, freely chosen by himself. Napoleon, however, found these powers insufficient, and arrogated to himself others, a fact which the Senate did not forget when it proclaimed his downfall. Thus he frequently declared war upon his own authority, in spite of

the provisions to the contrary made by the constitution of the year VIII.; and similarly, under the form of *décrets*, made what were really laws. They were afterwards called *décrets-lois*, and those that were not indissolubly associated with the political régime of the Empire, and survived it, were subsequently declared valid by the court of cassation, on the ground that they had not been submitted to the Senate as unconstitutional, as had been provided by the constitution of the year VIII.

This period saw the rise of a whole new series of great organic laws. For administrative organization, the most important was that of the 28th Pluviôse in the year VIII. It established as chief authority for each department a prefect, and side by side with him a *conseil général* for deliberative purposes; for each *arrondissement* (corresponding to the old *district*) a sub-prefect (*sous-préfet*) and a *conseil d'arrondissement*; and for each *commune*, a mayor and a municipal council. But all these officials, both the members of the councils and the individual agents, were appointed by the head of the state or by the prefect, so that centralization was restored more completely than ever. Together with the prefect there was also established a *conseil de préfecture*, having administrative functions, and generally acting as a court of the first instance in disputes and litigation arising out of the acts of the administration; for the Constituent Assembly had removed such cases from the jurisdiction of the civil tribunals, and referred them to the administrative bodies themselves. The final appeal in these disputes was to the *conseil d'état*, which was supreme judge in these matters. In 1807 was created another great administrative jurisdiction, the *cour des comptes*, after the pattern of that which had existed under the *ancien régime*.

**Administrative changes under Consulate and Empire.**

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Judicial organization had also been fundamentally altered. The system of election was preserved for a time in the case of the *juges de paix* and the members of the court of cassation, but finally disappeared there, even where it had already been no more than a form. The magistrates were in principle appointed for life, but under the Empire a device was found for evading the rule of irremovability.

**Judicial changes.**

For the judgment of civil cases there was a court of first instance in every *arrondissement*, and above these a certain number of courts of appeal, each of which had within its province several departments. The separate criminal tribunals were abolished in 1809 by the *Code d'Instruction Criminelle*, and the magistrates forming the *cour d'assises*, which judged crimes with the aid of a jury, were drawn from the courts of appeal and from the civil tribunals. The *jury d'accusation* was also abolished by the *Code d'Instruction Criminelle*, and the right of pronouncing the indictment was transferred to a chamber of the court of appeal. The correctional tribunals were amalgamated with the civil tribunals of the first instance. The *tribunal de cassation*, which took under the Empire the name of *cour de cassation*, consisted of magistrates appointed for life, and still kept its powers. The *ministère public* (consisting of imperial *avocats* and *procureurs*) was restored in practically the same form as under the *ancien régime*.

The former system of taxation was preserved in principle, but with one considerable addition: Napoleon re-established indirect taxation on articles of consumption, which had been abolished by the Constituent Assembly; the chief of these were the duties on liquor (*droits réunis*, or excise) and the monopoly of tobacco.

**Taxation.**

The Concordat concluded by Napoleon with the papacy on the 26th Messidor of the year IX. re-established the Catholic religion in France as the form of worship recognized and endowed by the state. It was in principle drawn up on the lines of that of 1516, and assured to the head of the French state in his dealings with the papacy the same prerogatives as had formerly been enjoyed by the kings; the chief of these was that he appointed the bishops, who afterwards had to ask the pope for canonical institution. The territorial distribution of dioceses was preserved practically as it had been left by the civil constitution of the clergy. The state guaranteed the payment of salaries to bishops and curés; and the pope agreed to renounce all claims referring to the appropriation of the goods of the clergy made by the Constituent Assembly. Later on, a decree restored to the *fabriques* (vestries) such of their former possessions as had not been alienated, and the churches which had not been alienated were restored for the purposes of worship. The law of the 18th Germinal in the year X., ratifying the Concordat, reasserted, under the name of *articles organiques du culte catholique*, all the main principles contained in the old doctrine of the liberties of the Gallican Church. The Concordat did not include the restoration of the religious orders and congregations; Napoleon sanctioned by decrees only a few establishments of this kind.

**The Concordat.**

One important creation of the Empire was the university. The *ancien régime* had had its universities for purposes of instruction and for the conferring of degrees; it had also, though

**The university.**

without any definite organization, such secondary schools as the towns admitted within their walls, and the primary schools of the parishes. The Revolution suppressed the universities and the teaching congregations. The constitution of the year III. proclaimed the liberty of instruction and commanded that public schools, both elementary and secondary, should be established. Under the Directory there was in each department an *école centrale*, in which all branches of human knowledge were taught. Napoleon, developing ideas which had been started in the second half of the 18th century, founded by laws and decrees of 1806, 1808 and 1811 the Université de France, which provided and organized higher, secondary and primary education; this was to be the monopoly of the state, carried on by its *facultés*, *lycées* and primary schools. No private educational establishment could be opened without the authorization of the state.

But chief among the documents dating from this period are the Codes, which still give laws to France. These are the Civil Code of 1804, the *Code de Procédure Civile* of 1806, the *Code de Commerce* of 1807, the *Code d'Instruction Criminelle* of 1809, and the

**The Codes.**

*Code Pénal* of 1810. These monumental works, in the elaboration of which the *conseil d'état* took the chief part, contributed, to a greater or less extent, towards the fusion of the old law of France with the laws of the Revolution. It was in the case of the *Code Civil* that this task presented the greatest difficulty (see [CODE NAPOLÉON](#)). The *Code de Commerce* was scarcely more than a revised and emended edition of the *ordonnances* of 1673 and 1681; while the *Code de Procédure Civile* borrowed its chief elements from the *ordonnance* of 1667. In the case of the *Code d'Instruction Criminelle* a distinctly new departure was made; the procedure introduced by the Revolution into courts where judgment was given remained public and oral, with full liberty of defence; the preliminary procedure, however, before the examining court (*juge d'instruction* or *chambre des mises en accusation*) was borrowed from the *ordonnance* of 1670; it was the procedure of the old law, without its cruelty, but secret and written, and generally not in the presence of both parties. The *Code Pénal* maintained the principles of the Revolution, but increased the penalties. It substituted for the system of fixed penalties, in cases of temporary punishment, a maximum and a minimum, between the limits of which judges could assess the amount. Even in the case of misdemeanours, it admitted the system of extenuating circumstances, which allowed them still further to decrease and alter the penalty in so far as the offence was mitigated by such circumstances. (See further under [NAPOLÉON I.](#))

*The Restored Monarchy.*—The Restoration and the Monarchy of July, though separated by a revolution, form one period in the history of French institutions, a period in which the same régime was continued and developed. This was the constitutional monarchy,

**Constitutional monarchy.**

with a parliamentary body consisting of two chambers, a system imitated from England. The same constitution was preserved under these two monarchies—the charter granted by Louis XVIII. in 1814. The revolution of 1830 took place in defence of the charter which Charles X. had violated by the *ordonnances* of July, so that this charter was naturally preserved under the “July Monarchy.” It was merely revised by the Chamber of Deputies, which had been one of the movers of the revolution, and by what remained of the House of Peers. In order to give the constitution the appearance of originating in the will of the people, the preface, which made it appear to be a favour granted by the king, was destroyed. The two chambers acquired the initiative in legislation, which had not been recognized as theirs under the Restoration, but from this time on belonged to them equally with the king. The sittings of the House of Peers were henceforth held in public; but this chamber underwent another and more fundamental transformation. The peers were nominated by the king, with no limit of numbers, and according to the charter of 1814 their appointment could be either for life or hereditary; but, in execution of an ordinance of Louis XVIII., during the Restoration they were always appointed under the latter condition. Under the July Monarchy their tenure of office was for life, and the king had to choose them from among twenty-two classes of notables fixed by law. The franchise for the election of the Chamber of Deputies had been limited by a system of money qualifications; but while, under the Restoration, it had been necessary, in order to be an elector, to pay three hundred francs in direct taxation, this sum was reduced in 1831 to two hundred francs, while in certain cases even a smaller amount sufficed. In order to be elected as a deputy it was necessary, according to the charter of 1814, to pay a thousand francs in direct taxation, and according to that of 1830 five hundred francs. From 1817 onwards there was direct suffrage, the electors directly electing the deputies. The idea of those who had framed the charter of 1814 had been to give the chief influence to the great landed proprietors, though the means adopted to this end were not adequate: in 1830 the chief aim had been to give a preponderating influence to the middle and lower middle classes, and this had met with greater success. The House of Peers, under the name of *cour des pairs*, had also the function of judging attempts and plots against the security of the state, and it had frequently to exercise this function both under the

This was a period of parliamentary government; that is, of government by a cabinet, resting on the responsibility of the ministers to the Chamber of Deputies. The only interruption was that caused by the resistance of Charles X. at the end of his reign, which led to the revolution of July. Parliamentary government was practised regularly and in an enlightened spirit under the Restoration, although the Chamber had not then all the powers which it has since acquired. It is noteworthy that during this period the right of the House of Peers to force a ministry to resign by a hostile vote was not recognized. By the creation of a certain number of new peers, a *fournée de pairs*, as it was then called, the majority in this House could be changed when necessary. But the government of the Restoration had to deal with two extreme parties of a very opposite nature: the *Ultras*, who wished to restore as far as possible the *ancien régime*, to whom were due the acts of the *chambre introuvable* of 1816, and later the laws of the ministry of Villèle, especially the law of sacrilege and that voting compensation to the dispossessed nobles, known as the *milliard des émigrés*; and on the other hand the *Liberals*, including the Bonapartists and Republicans, who were attached to the principles of the Revolution. In order to prevent either of these parties from predominating in the chamber, the government made a free use of its power of dissolution. It further employed two means to check the progress of the Liberals; firstly, there were various alterations successively made in the electoral law, and the press laws, frequently restrictive in their effect, which introduced the censorship and a preliminary authorization in the case of periodical publications, and gave the correctional tribunals jurisdiction in cases of press offences. The best electoral law was that of 1817, and the best press laws were those of 1819; but these were not of long duration. Under the July Monarchy parliamentary government, although its machinery was further perfected, was not so brilliant. The majorities in the Chamber of Deputies were often uncertain, so much so, that more than once the right of dissolution was exercised in order to try by new elections to arrive at an undivided and certain majority. King Louis Philippe, though sober-minded, wished to exercise a personal influence on the policy of the cabinet, so that there were then two schools, represented respectively by Thiers and Guizot, one of which held the theory that "the king reigns but does not govern"; while the other maintained that he might exercise a personal influence, provided that he could rely on a ministry supported by a majority of the Chamber of Deputies. But the weak point in the July Monarchy was above all the question of the franchise. A powerful movement of opinion set in towards demanding an extension, some wishing for universal suffrage, but the majority proposing what was called the *adjonction des capacités*, that is to say, that to the number of qualified electors should be added those citizens who, by virtue of their professions, capacity or acquirements, were inscribed after them on the general list for juries. But the government obstinately refused all electoral reform, and held to the law of 1831. It also refused parliamentary reform, by which was meant a rule which would have made most public offices incompatible with the position of deputy, the Chamber of Deputies being at that time full of officials. The press, thanks to the Charter, was perfectly free, without either censorship or preliminary authorization, and press offences were judged by a jury.

In another respect also the Restoration and the July Monarchy were at one, the second continuing the spirit of the first, viz. in maintaining in principle the civil, legal and administrative institutions of the Empire. The preface to the charter of 1814 sanctioned and guaranteed most of the legal rights won by the Revolution; even the alienation of national property was confirmed. It was said, it is true, that the old nobility regained their titles, and that the nobility of the Empire kept those which Napoleon had given them; but these were merely titles and nothing more; there was no privileged nobility, and the equality of citizens before the law was maintained. Judicial and administrative organization, the system of taxation, military organization, the relations of church and state, remained the same, and the university also continued to exist. The government did, it is true, negotiate a new Concordat with the papacy in 1817, but did not dare even to submit it to the chambers. The most important reform was that of the law concerning recruiting for the army. The charter of 1814 had promised the abolition of conscription, in the form in which it had been created by the law of the year VI. The law of the 10th of March 1818 actually established a new system. The contingent voted by the chambers for annual incorporation into the standing army was divided up among all the cantons; and, in order to furnish it, lots were drawn among all the men of a certain class, that is to say, among the young Frenchmen who arrived at their majority that year. Those who were not chosen by lot were definitely set free from military service. The sending of substitutes, a custom which had been permitted by Napoleon, was recognized. This was the type of all the laws on recruiting in France, of which there were a good number in succession up to 1867. On other points they vary, in particular as to the duration of service, which was

**The system of the Empire retained.**

six years, and later eight years, under the Restoration; but the system remained the same.

The Restoration produced a code, the *Code forestier* of 1827, for the regulation of forests (*eaux et forêts*). In 1816 a law had abolished divorce, making marriage indissoluble, as it had been in the old law. But the best laws of this period were those on finance. Now, for the first time, was introduced the practice of drawing up regular budgets, voted before the year to which they applied, and divided since 1819 into the budget of expenditure and budget of receipts.

Together with other institutions of the Empire, the Restoration had preserved the exaggerated system of administrative centralization established in the year VIII.; and proposals for its relaxation submitted to the chambers had come to nothing. It was only under the July Monarchy that it was relaxed. The municipal law of the 21st of March 1831 made the municipal councils elective, and extended widely the right of voting in the elections for them; the *maires* and their assistants continued to be appointed by the government, but had to be chosen from among the members of the municipal councils. The law of the 22nd of June 1833 made the general councils of the departments also elective, and brought the *adjonction des capacités* into effect for their election. The powers of these bodies were enlarged in 1838, and they gained the right of electing their president. In 1833 was granted another liberty, that of primary education; but in spite of violent protestations, coming especially from the Catholics, secondary and higher education continued to be a monopoly of the state. Many organic laws were promulgated, one concerning the National Guard, which was reorganized in order to adapt it to the system of citizen qualifications; one in 1832 on the recruiting of the army, fixing the period of service at seven years; and another in 1834 securing the status of officers. A law of the 11th of June 1842 established the great railway lines. In 1832 the *Code Pénal* and *Code d'Instruction Criminelle* were revised, with the object of lightening penalties; the system of extenuating circumstances, as recognized by a jury, was extended to the judgment of all crimes. There was also a revision of Book III. of the *Code de Commerce*, treating of bankruptcy. Finally, from this period date the laws of the 3rd of May 1841, on expropriation for purposes of public utility, and of the 30th of June 1838, on the treatment of the insane, which is still in force. Judicial organization remained as it was, but the amount of the sum up to which civil tribunals of the first instance could judge without appeal was raised from 1000 francs to 1500, and the competency of the *juges de paix* was widened.

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*The Second Republic and the Second Empire.*—From the point of view of constitutional law, the Second Republic and the Second Empire were each in a certain sense a return to the past. The former revived the tradition of the Assemblies of the Revolution; the latter was obviously and avowedly an imitation of the Consulate and the First Empire.

The provisional government set up by the revolution of the 24th of February 1848 proclaimed universal suffrage, and by this means was elected a Constituent Assembly, which sat till May 1849, and, after first organizing various forms of another provisional government, passed the Republican constitution of the 4th of November 1848. This constitution, which was preceded by a preface recalling the Declarations of Rights of the Revolution, gave the legislative power to a single permanent assembly, elected by direct universal suffrage, and entirely renewed every three years. The executive authority, with very extensive powers, was given to a president of the Republic, also elected by the universal and direct suffrage of the French citizens. The constitution was not very clear upon the point of whether it adopted parliamentary government in the strict sense, or whether the president, who was declared responsible, was free to choose his ministers and to retain or dismiss them at his own pleasure. This gave rise to an almost permanent dispute between the president, who claimed to have his own political opinions and to direct the government, and the Assembly, which wished to carry on the traditions of cabinet government and to make the ministers fully responsible to itself. Consequently, in January 1851, a solemn debate was held, which ended in the affirmation of the responsibility of ministers to the Assembly. On the other hand, the president, though very properly given great power by the constitution, was not immediately eligible for re-election on giving up his office. Now Louis Napoleon, who was elected president on the 10th of December 1848 by a huge majority, wished to be re-elected. Various propositions were submitted to the Assembly in July 1851 with a view to modifying the constitution; but they could not succeed, as the number of votes demanded by the constitution for the convocation of a Constituent Assembly was not reached. Moreover, the Legislative Assembly elected in May 1849 was very different from the Constituent Assembly of 1848. The latter was animated by that spirit of harmony and, in the main, of adhesion to the Republic which had followed on the February Revolution. The new assembly, on the contrary, was composed for the most part of representatives of the old parties, and had monarchist aspirations. By the unfortunate law of the 31st of May 1850 it even tried by a

**Republican  
constitution  
of 1848.**

subterfuge to restrict the universal suffrage guaranteed by the constitution. It suspended the right of holding meetings, but, on the whole, respected the liberty of the press. It was especially impelled to these measures by the growing fear of socialism. The result was the *coup d'état* of the 2nd of December 1851. A detail of some constitutional importance is to be noticed in this period. The *conseil d'état*, which had remained under the Restoration and the July Monarchy an administrative council and the supreme arbiter in administrative trials, acquired new importance under the Second Republic. The ordinary *conseillers d'état* (*en service ordinaire*) were elected by the Legislative Assembly, and consultation with the *conseil d'état* was often insisted on by the constitution or by law. This was the means of obtaining a certain modifying power as a substitute for the second chamber, which had not met with popular approval. During its short existence the Second Republic produced many important laws. It abolished the penalty of death for political crimes, and suppressed negro slavery in the colonies. The election of *conseillers généraux* was thrown open to universal suffrage, and the municipal councils were allowed to elect the *maires* and their colleagues. The law of the 15th of March 1850 established the liberty of secondary education, but it conferred certain privileges on the Catholic clergy, a clear sign of the spirit of social conservatism which was the leading motive for its enactment. Certain humanitarian laws were passed, applying to the working classes.

With the *coup d'état* of the 2nd of December 1851 began a new era of constitutional plebiscites and disguised absolutism. The proclamations of Napoleon on the 2nd of December contained a criticism of parliamentary government, and formulated the wish

**Constitution  
of Jan. 14,  
1852.**

to restore to France the constitutional institutions of the Consulate and the Empire, just as she had preserved their civil, administrative and military institutions. Napoleon asked the people for the powers necessary to draw up a constitution on these principles; the plebiscite issued in a vast majority of votes in his favour, and the constitution of the 14th of January 1852 was the result. It bore a strong resemblance to the constitution of the First Empire after 1807. The executive power was conferred on Louis Napoleon for ten years, with the title of president of the Republic and very extended powers. Two assemblies were created. The conservative Senate, composed of *ex officio* members (cardinals, marshals of France and admirals) and life members appointed by the head of the state, was charged with the task of seeing that the laws were constitutional, of opposing the promulgation of unconstitutional laws, and of receiving the petitions of citizens; it had also the duty of providing everything not already provided but necessary for the proper working of the constitution. The second assembly was the *Corps Législatif*, elected by direct universal suffrage for six years, which passed the laws, the government having the initiative in legislation. This body was not altogether a *corps des muets*, as in the year VIII., but its powers were very limited; thus the general session assured to it by the constitution was only for three months, and it could only discuss and put to the vote amendments approved by the *conseil d'état*; the ministers did not in any way come into contact with it and could not be members of it, being responsible only to the head of the state, and only the Senate having the right of accusing them before a high court of justice. The *conseil d'état* was composed in the same way and had the same authority as it had possessed from the year VIII. to 1814; and it was the members of it who supported projected laws before the *Corps Législatif*. To this was added a Draconian press legislation; not only were press offences, many of which were mere expressions of opinion, judged not by a jury but by the correctional tribunals; but further, political papers could not be founded without an authorization, and were subject to a regular administrative discipline; they could be warned, suspended or suppressed without a trial, by a simple act of the administration. The constitution of January 1852 was still Republican in name, though less so than that of the year VIII. The period corresponding with the Consulate was also shorter in the case of Louis Napoleon. The year 1852 had not come to an end before a *senatus consulte*, that of the 10th of November, ratified by a plebiscite, re-established the imperial rank in favour of Napoleon III.; it also conferred on him certain new powers, especially with reference to the budget and foreign treaties; thus various cracks, which experience had revealed in the original structure of the Empire, were filled up. This period was called that of the *empire autoritaire*. Further features of it were the free appointment of the *maires* by the emperor, the oath of fidelity to him imposed on all officials, and the legal organization of official candidatures for the elections. Two measures marked the highest point reached by this system: the *loi de sureté générale* of the 27th of February 1858, which allowed the government to intern in France or Algeria, or to exile certain French citizens, without a trial. The other was the *senatus consulte* of the 17th of February 1858, which made the validity of candidatures for the *Corps Législatif* subject to a preliminary oath of fidelity on the part of the candidate. But for various causes,

**Restoration  
of the  
Empire.**

which cannot be examined here, a series of measures was soon to be initiated which were gradually to lead back again to political liberty, and definitively to found what has been called

**The empire libéral.**

the *empire libéral*. One by one the different rules and proceedings of parliamentary government as it had existed in France regained their force.

The first step was the decree of the 24th of November 1860, which re-established for each ordinary session the address voted by the chambers in response to the speech from the throne. In 1867 this movement took a more decisive form. It led to a new constitution, that of the 21st of May 1870, which was again ratified by popular suffrage. While maintaining the Empire and the imperial dynasty, it organized parliamentary government practically in the form in which it had operated under the July Monarchy, with two legislative chambers, the Senate and the Corps Législatif, the consent of both of which was necessary for legislation, and which, together with the emperor, had the initiative in this matter. The laws of the 11th of May 1868 and the 6th of June 1868 restored to a certain extent the liberty of the press and of holding meetings, though without abolishing offences of opinion, or again bringing press offences under the jurisdiction of a jury. Laws of the 22nd and 23rd of July 1870 gave the *conseils généraux*, whose powers had been somewhat widened, the right of electing their presidents, and provided that the *maires* and their colleagues should be chosen from among the members of the municipal councils.

**Economic and social reforms under the Second Empire.**

The legislation of the Second Empire led to a considerable number of reforms. Its chief aim was the development of commerce, industry and agriculture, and generally the material prosperity of the country. The Empire, though restricting liberty in political matters, increased it in economic matters. Such were the decrees and laws of 1852 and 1853 relating to land-banks (*établissements de crédit foncier*) and that of 1857 on trade-marks, those of 1863 and 1867 on commercial companies, that of 1858 on general stores (*magasins généraux*) and warrants, that of 1856 on drainage, that of 1865 on the *associations syndicales de propriétaires*, that of 1866 on the mercantile marine. The law of the 14th of June 1865 introduced into France the institution, borrowed from England, of cheques. But of still greater importance for economic development than all these laws were the treaties concluded by the emperor with foreign powers, in order to introduce, as far as possible, free exchange of commodities; the chief of these, which was the model of all the others, was that concluded with Great Britain on the 23rd of January 1860. Moreover, the law of the 25th of May 1864 admitted for the first time the right of strikes and lock-outs among workmen or employers, annulling articles 414 and following of the *Code Pénal*, which had so far made them a penal offence, even when not accompanied by fraudulent practices, threats or violence, tending to hinder the liberty of labour. The superannuation fund (*caisse des retraites pour la vieillesse*), supported by voluntary payments from those participating in it, which had been created by the law of the 18th of June 1850, was reorganized and perfected, and a law of the 11th of July 1868 established, with the guarantee of the state, two funds for voluntary insurance, one in case of death, the other against accidents occurring in industrial or agricultural employment. A decree of 1863 established in principle the freedom of bakeries, and another in 1864 that of theatrical management.

**Commercial treaties.**

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Criminal law was the subject of important legislation. Two codes were promulgated on special points, the codes of military justice for the land forces (1857) and for the naval forces (1858). But the common law was also largely remodelled. A law of the 10th

**Reforms in the criminal law.**

of June 1858, it is true, created certain new crimes, with a view to protecting the members of the imperial family, and that of the 17th of July 1856 increased the powers and independence of the *juges d'instruction*; but, on the other hand, useful improvements were introduced by laws of 1856 and 1865, and notably with regard to precautionary detention and provisional release with or without bail. A law of the 20th of May 1863 organized a simple and rapid procedure, copied from that followed in England before the police courts, for summary jurisdiction. A law of 1868 permitted the revision of criminal trials after the death of the condemned person. But the most far-reaching reforms took place in 1854, namely, the abolition of the total loss of civil rights which formerly accompanied condemnation to imprisonment for life, and the law of the 30th of May on penal servitude (*travaux forcés*) which substituted transportation to the colonies for the system of continental convict prisons. Finally, in 1863, there was a revision of the *Code Pénal*, which, in the process of lightening penalties, made a certain number of

**Civil legislation. Taxation and army.**

crimes into misdemeanours, and in consequence transferred the judgment of them from the assize courts to the correctional tribunals. In civil legislation may be noted the law of the 23rd of March 1855 on hypothecs (see [CODE NAPOLÉON](#)); that of the 22nd of July 1857, which abolished seizure of the person (*contrainte par corps*) for civil and commercial debts; and finally, the law of the 14th of July 1866, on literary copyright. The system of taxation was hardly modified at all, except for the establishment of a tax on the income arising from

investments (shares and bonds of companies) in 1857, and the tax on carriages (1862). On the 1st of February 1868 was promulgated an important military law, which, however, passed the Corps Législatif with some difficulty. It asserted the principle of universal compulsory military service, at least, in time of war. It preserved, however, the system of drawing lots to determine the annual contingent to be incorporated into the standing army; the term of service was fixed at five years, and it was still permissible to send a substitute. But able-bodied men who were not included in the annual contingent formed a reserve force called the *garde nationale mobile*, each department organizing its own section. These *gardes mobiles*, though they were not effectively organized or exercised under the Empire, took part in the war of 1870-71.

*The Third Republic.*—The Third Republic had at first a provisional government, unanimously acclaimed by the people of Paris. It was accepted by France, exercised full powers, and sustained by no means ingloriously a desperate struggle against the enemy; a certain number of its *décrets-lois* are still in force. After the capitulation of Paris, a National Assembly was elected to treat with Germany. It was elected in accordance with the electoral law of 1849, which had been revived with a few modifications, and it met at Bordeaux to the number of 753 members on the 13th of February 1871. It was a sovereign assembly, since France had no longer a constitution, and for this very reason it claimed from the outset constituent powers; the Republican party at the time, however, contested this claim, the majority in the assembly being frankly monarchist, though divided as to the choice of a monarch. But for some time the National Assembly either could not or would not exercise this power, and up to 1875 affairs remained in a provisional state, legalized and regulated this time by the Assembly. This was an application, though unconscious, of a form of government which M. Grévy had proposed to the Constituent Assembly in 1848. There was a single assembly, with one man elected by it as head of the executive power (the first to be elected was M. Thiers, who received the title of president of the Republic in August 1871), who was responsible to the Assembly and governed with the help of ministers chosen by himself, who were also responsible to it. Thiers fell on the 24th of May 1873. His place was taken by Marshal MacMahon, on whom the Assembly later conferred, in November 1873, the position of president of the Republic for seven years, when the refusal of the comte de Chambord to accept the tricolour in place of the white flag of the Bourbons had made any attempt to restore the monarchy impossible. Henceforth the definitive adoption of the Republican form of government became inevitable, and the opinion of the country began to turn in this direction, as was shown by the elections of deputies which took place to fill up the gaps occurring in the Assembly. The Assembly, however, shrank from the inevitable solution, and when a discussion was begun in January 1875 on the projected constitutional laws prepared by the *commission des trente*, the only proposals made by the latter were for a more complete organization of the powers of one man, Marshal MacMahon. But on the 30th of January 1875 was adopted, by 353 votes to 352, an amendment by M. Wallon which provided for the election of an indefinite succession of presidents of the Republic; this amounted to a definitive recognition of the Republic. In this connexion it has often been said that the Republic was established by a majority of one. This is not an accurate statement, for it was only the case on the first reading of the law; the majority on the second and third readings increased until it became considerable. There was a strong movement in the direction of a reconciliation between the parties; and there had been a *rapprochement* between the Republicans and the Right Centre. At the end of February were passed and promulgated two constitutional laws, that of the 25th of February 1875, on the organization of the public powers, and that of the 24th of February 1875, on the organization of the senate. In the middle of the year they were supplemented by a third, that of the 16th of July 1875, on the relations between the public powers.

**Definitive establishment of the Republic.**

Thus was built up the actual constitution of France. It differs fundamentally, both in form and contents, from previous constitutions. As to its form, instead of a single methodical text divided into an uninterrupted series of articles, it consisted of three distinct laws. As to matter, it is obviously a work of an essentially practical nature, the result of compromise and reciprocal concessions. It does not lay down any theoretical principles, and its provisions, which were arrived at with difficulty, confine themselves strictly to what is necessary to ensure the proper operation of the governmental machinery. The result is a compromise between Republican principles and the rules of constitutional and parliamentary monarchy. On this account it has been accused, though unjustly, of being too monarchical. Its duration, by far the longest of any French constitution since 1791, is a sign of its value and vitality. It is in fact a product of history, and not of imagination. Its composition is as follows. The legislative power was given to two elective chambers, having equal powers, the vote of both of which is necessary for legislation,

**The French Constitution.**

and both having the right of initiating and amending laws. The constitution assures them an ordinary session of five months, which opens by right on the second Tuesday in January. One house, the Chamber of Deputies, is elected by direct universal suffrage and is entirely renewed every four years; the other, the Senate, consists of 300 members, divided by the law of the 27th of February 1875 into two categories; 75 of the senators were elected for life and irremovable, and the first of them were elected by the National Assembly, but afterwards it was the Senate itself which held elections to fill up vacancies. The 225 remaining senators were elected by the departments and by certain colonies, among which they were apportioned in proportion to the population; they are elected for nine years, a third of the house being renewed every three years. The electoral college in each department which nominated them included the deputies, the members of the general council of the department and of the councils of the arrondissements, and one delegate elected by each municipal council, whatever the importance of the commune. This was practically a system of election in two and, partly, three degrees, but with this distinguishing feature, that the electors of the second degree had not been chosen purely with a view to this election, but chiefly for the exercise of other functions. The most important elements in this electoral college were the delegates from the municipal councils, and by giving one delegate to each, to Paris just as to the smallest commune in France, the National Assembly intended to counterbalance the power of numbers, which governed the elections for the Chamber of Deputies, and, at the same time, to give a preponderance to the country districts. The 75 irremovable senators were another precaution against the danger from violent waves of public opinion. The executive power was entrusted to a president, elected for seven years (as Marshal MacMahon had been in 1873), by the Chamber and the Senate, combined into a single body under the name of National Assembly. He is always eligible for re-election, and is irresponsible except in case of high treason. His powers are of the widest, including the initiative in legislation jointly with the two chambers, the appointment to all civil and military offices, the disposition, and, if he wish it, the leadership of the armed forces, the right of pardon, the right of negotiating treaties with foreign powers, and, in principle, of ratifying them on his own authority, the consent of the two chambers being required only in certain cases defined by the constitution. The nomination of *conseillers d'état* for ordinary service, whom the National Assembly had made elective, as in 1848, and elected itself, was restored to the president of the Republic, together with the right of dismissing them. But these powers he can only exercise through the medium of a ministry, politically and jointly responsible to the chambers, and forming a council, over which the president usually presides.

The French Republic is essentially a parliamentary republic. The right of dissolving the Chamber of Deputies before the expiration of its term of office belongs to the president, but in order to do so he must have, besides a ministry which will take the responsibility for it, the preliminary sanction of the Senate. The Senate is at the same time a high court of justice, which can judge the president of the Republic and ministers accused of crimes committed by them in the exercise of their functions; in these two cases the prosecution is instituted by the Chamber of Deputies. The Senate can also be called upon to judge any person accused of an attempt upon the safety of the state, who is then seized by a decree of the president of the Republic, drawn up in the council of ministers. Possible revision of the constitution is provided for very simply: it has to be proposed as a law, and for its acceptance a resolution passed by each chamber separately, by an absolute majority, is necessary. The revision is then carried out by the Senate and the Chamber of Deputies to form a National Assembly. There have been two revisions since 1875. The first time, in 1879, it was simply a question of transferring the seat of the government and of the chambers back to Paris from Versailles, where it had been fixed by one of the constitutional laws. The second time, in 1884, more fundamental modifications were required. The most important point was to change the composition and election of the Senate. With a view to this, the new constitutional law of the 14th of August 1884 abolished the constitutional character of a certain number of articles of the law of the 24th of February 1875, thus making it possible to modify them by an ordinary law. This took place in the same year; the 75 senators for life were suppressed for the future by a process of extinction, and their seats divided among the most populous departments. Further, in the electoral college which elects the senators, there was allotted to the municipal councils a number of delegates proportionate to the number of members of the councils, which depends on the importance of the commune. The law of the 14th of August 1884 also modified the constitution in another important respect. The law of the 25th of February 1875 had admitted the possibility not only of a partial, but even of a total revision, which could affect and even change the form of the state. The law of the 14th of August 1884, however, declared that no proposition for a revision could be accepted which aimed at changing the republican form of government. The composition of the Chamber of Deputies was not fixed by the constitution, and consequently admitted more easily of variation. Since 1871 the mode of election has oscillated between the *scrutin de liste* for the departments and the *scrutin*

*uninominal* for the arrondissements. The organic law of the 30th of November 1875 had established the latter system; in 1885 the *scrutin de liste* was established by law, but in 1889 the *scrutin d'arrondissement* was restored; and in this same year, on account of the ambitions of General Boulanger and the suggestion which was made for a sort of plebiscite in his favour, was passed the law on plural candidatures, which forbids anyone to become a candidate for the Chamber of Deputies in more than one district at a time.

The system established by the constitution of 1875 has worked excellently in some of its departments; for instance, the mode of electing the president of the Republic. Between 1875 and 1906 there were seven elections, sometimes under tragic or very difficult conditions; the election has always taken place without delay or obstruction, and the choice has been of the best. The high court of justice, which has twice been called into requisition, in 1889 and in 1899-1900, has acted as an efficient check, in spite of the difficulties confronting such a tribunal when feeling runs high. Parliamentary government in the form set up by the constitution, besides the criticism to which this system is open in all countries where it is established, even in England, met with special difficulties in France. In the first place, the useful but rather secondary rôle assigned to the president of the Republic has by no means satisfied all those who have occupied this high office. Two presidents have resigned on the ground that their powers were insufficient. Another, even after re-election, had to withdraw in face of the opposition of the two chambers, being no longer able to obtain a parliamentary ministry. It is difficult, however, to accept the theory of an eminent American political writer, Mr John W. Burgess,<sup>1</sup> that in order to attain to a position of stable equilibrium, the French Republic ought to adopt the presidential system of the United States. In France this sharp division between the two powers has never been observed except in those periods when the representative assemblies were powerless, under the First and Second Empires. It is true that the apparent multiplicity of parties and their lack of discipline, together with the French procedure of *interpellations* and the orders of the day by which they are concluded, make the formation of homogeneous and lasting cabinets difficult; but since the end of the 19th century there has been great progress in this respect. Another difficulty arose in 1896. The Senate, appealing to the letter of the constitution and relying on its elective character, claimed the right of forcing a ministry to resign by its vote, in the same way as the Chamber of Deputies. The Senate was victorious in the struggle, and forced the ministry presided over by M. Léon Bourgeois to resign; but the precedent is not decisive, for in order to gain its ends the Senate had recourse to the means of refusing to sanction the taxes, declining to consider the proposals for the supplies necessary for the Madagascar expedition so long as the ministry which it was attacking was in existence. The weakest point in the French parliamentary organism is perhaps the right of dissolution. It is difficult of application, for the reason that the president must obtain the preliminary consent of the Senate before exercising it; moreover, this valuable right has been discredited by its abuse by Marshal MacMahon in the campaign of the 16th of May 1877, on which occasion he exercised his right of dissolution against a chamber, the moderate but decidedly republican majority in which he was re-elected by the country.

The legislative reforms carried out under the Third Republic are very numerous. As to public law, it is only possible to mention here those of a really organic character, chief among which are those which safeguard and regulate the exercise of the liberties of the individual. The law of the 30th of June 1881, modified in 1901, established the right of holding meetings. Public meetings, whether for ordinary or electoral purposes, may be held without preliminary authorization; the law of 1881 prescribed a declaration made by a certain number of citizens enjoying full civil and political rights, which is now remitted. The only really restrictive provision is that which does not allow them to be held in the public highway, but only in an enclosed space. But this is made necessary by the customs of France. The law of the 21st of July 1881 on the press is one of the most liberal in the world. By it all offences committed by any kind of publication are submitted to a jury; the punishment for the mere expression of obnoxious opinions is abolished, the only punishment being for slander, libel, defamation, inciting to crime, and in certain cases the publication of false news. The law of the 1st of July 1901 established in France the right of forming associations. It recognizes the legality of all associations strictly so called, the objects of which are not contrary to law or to public order or morality. On condition of a simple declaration to the administrative authority, it grants them a civil status in a wide sense of the term. Religious congregations, on the contrary, which are not authorized by a law, are forbidden by this law. This was not a new principle, but the traditional rule in France both before and after the Revolution, except that under certain governments authorization by decree had sufficed. As a matter

**Working of  
the  
constitution.**

**Reforms  
under the  
Third  
Republic.**

**The religious  
congregations.**

of fact the unauthorized congregations had been tolerated for a long time, although on various occasions, and especially in 1881, their partial dissolution had been proclaimed by decrees. The law of 1901 dissolved them all, and made it an offence to belong to such a congregation. The members of unauthorized congregations, and later, in 1904, even those of the authorized congregations, were disqualified from teaching in any kind of establishment. The liberty of primary education was confirmed and reorganized by the law of the 30th of October 1886, which simply deprived the clergy of the privileges granted them by the law of 1850, though the latter remains in force with regard to the liberty of secondary education. A law passed by the National Assembly (July 12, 1875) established the liberty of higher

**Education.** *facultés* who aspired to state degrees the right of being examined before a board composed partly of private and partly of state professors. The law of the 18th of March 1880 abolished this privilege. Another law, that of the 22nd of March 1882, made primary education obligatory, though allowing parents to send their children either to private schools or to those of the state; the law of the 16th of June 1881 established secular (*laïque*) education in the case of the latter. The Third Republic also organized secondary education for girls in lycées or special colleges (*collèges de fille*). Finally, a law of the 10th of July 1896 dealing with higher education and the faculties of the state reorganized the universities, which form distinct bodies, enjoying a fairly wide autonomy. A law of the 19th of

**Separation of church and state.** December 1905, abrogating that of the 18th Germinal in the year X., which had sanctioned the Concordat, proclaimed the separation of the church from the state. It is based on the principle of the secular state (*état laïque*) which recognizes no form of religion, though respecting the right of every citizen to worship according to his beliefs, and it aimed at organizing associations of citizens, the object of which was to collect the funds and acquire the property necessary for the maintenance of worship, under the form of *associations cultuelles*, differing in certain respects from the associations sanctioned by the law of the 1st of July 1901, but having a wider scope. It also handed over to these regularly formed associations the property of the ecclesiastical establishments formerly in existence, while taking precautions to ensure their proper application, and allowed the associations the free use of the churches and places of worship belonging to the state, the departments or the communes. If no *association cultuelle* was founded in a parish, the property of the former *fabrique* should devolve to the commune. But this law was condemned by the papacy, as contrary to the church hierarchy; and almost nowhere were *associations cultuelles* formed, except by Protestants and Jews, who complied with the law. After many incidents, but no church having been closed, a new law of the 2nd of January 1907 was enacted. It permits the public exercise of any cult, by means of ordinary associations regulated by the law of the 1st of July 1901, and even of public meetings summoned by individuals. Failing all associations, either *cultuelles* or others, churches, with their ornaments and furniture, are left to the disposition of the faithful and ministers, for the purpose of exercising the cult; and, on certain conditions, the long use of them can be granted as a free gift to ministers of the cult.

Among the organic laws concerning administrative affairs there are two of primary importance; that of the 10th of August 1871, on the *conseils généraux*, considerably  
**Administrative changes.** increased the powers and independence of these elective bodies, which have become important deliberative assemblies, their sessions being held in public. The law of 1871 created a new administrative organ for the departments, the *commission départementale*, elected by the council-general of the department from among its own members and associated with the administration of the prefect. The other law is the municipal law of the 5th of April 1884, which effected a widespread decentralization; the *maires* and their *adjoints* are elected by the municipal council.

The war of 1870-71 necessarily led to a modification of the military organization. The law of the 25th of July 1872 established the principle of compulsory service for all, first in the standing army, the period of service in which was fixed at five years, then in the reserve, and finally in the territorial army. But the application of this  
**Reorganization of the army.** principle was by no means absolute, only holding good in time of war. Each annual class was divided into two parts, by means of drawing lots, and in time of peace one of these parts had only a year of service with the active army. The previous exemptions, based either on the position of supporter of the family (as in the case of the son of a widow or aged father, &c.) or on equivalent services rendered to the state (as in the case of young ecclesiastics or members of the teaching profession), were preserved, but only held good for service in the active army in times of peace. Finally, the system of conditional engagement for a year allowed young men, for the purposes of study or apprenticeship to their profession, only to serve a year with the active army in time of peace. By this means it

was sought to combine the advantages of an army of veterans with those of a numerous and truly national army. But the conditional volunteering (*volontariat conditionnel*) for a year was open to too great a number of people, and so brought the system into discredit. As those who profited by it had to be clothed and maintained at their own expense, and the sum which they had to furnish for this purpose was generally fixed at 1500 francs, it came to be considered the privilege of those who could pay this sum. A new law of the 15th of July 1889 lessened the difference between the two terms which it attempted to reconcile. It reduced the term of service in the active army to three years, and the exemptions, which were still preserved, merely reduced the period to a year in times of peace. The same reduction was also granted to those who were really pursuing important scientific, technical or professional studies; the system was so strict on this point that the number of those who profited by those exemptions did not amount to 2000 in a year. This was a compromise between two opposing principles; the democratic principle of equality, being the stronger, was bound to triumph. The law of the 21st of March 1905 reduced the term of service in the active army to two years, but made it equal for all, admitting of no exemption, but only certain facilities as to the age at which it had to be accomplished.

In 1883 the judicial *personnel* was reorganized and reduced in number. With the exception of a few modifications the main lines of judicial organization remained the same. In 1879 the conseil d'état was also reorganized. The whole fabric of administrative jurisdiction was carefully organized, and almost entirely separated from the active administration.

#### **Justice and taxation.**

The system of taxation has remained essentially unaltered; we may notice, however, the laws of 1897, 1898 and 1900, which abolished or lessened the duties on so called *hygienic* drinks (wine, beer, cider), and the financial law of 1901, which rearranged and increased the transfer fees, and established a system of progressive taxation in the case of succession dues.

The labour laws, which generally partook of the nature both of public and of private law, are a sign of our times. Under the Third Republic they have been numerous, the most notable being: the law of the 21st of March 1884 on professional syndicates, which introduced the liberty of association in matters of this kind before it became part of the common law (see [TRADE UNIONS](#)); the law of the 9th of April 1898 on the liability for accidents incurred during work, and those which have completed it; that of the 22nd of December 1892 on conciliation and arbitration in the case of collective disputes between employers and workmen; that of the 29th of June 1893 on the hygiene and safeguarding of workers in industrial establishments, and the laws which regulate the work of children and women in factories; finally, that of the 15th of July 1893 on free medical attendance (see [LABOUR LEGISLATION](#)).

#### **Labour legislation.**

As to criminal law, there have been more than fifty enactments, mostly involving important modifications, due to more scientific ideas of punishment, so that we may say that it has been almost entirely recast since the establishment of the Third Republic. The separate system applied in cases of preventive detention and imprisonment for short periods; liberation before the expiry of the term of sentence, subject to the condition that no fresh offence shall be committed within a given time; transportation to the colonies of habitual offenders; the remission of the penalty in the case of first offenders, and the lapsing of the penalty when a certain time has gone by without a fresh condemnation; greater facilities for the rehabilitation of condemned persons, which now became simply a matter for the courts, and occurred as a matter of course at the end of a certain time; such were the chief results of this legislation. Finally, the law of the 8th of December 1897 completely altered the form of the preliminary examination before the *juge d'instruction*, which had been the weakest point in the French criminal procedure, though it was still held in private; the new law made this examination really a hearing of both sides, and made the appearance of counsel for the defence practically compulsory.

#### **Criminal law.**

As to private law, both civil and commercial, we could enumerate between 1871 and 1906 more than a hundred laws which have modified it, sometimes profoundly, and have for the most part done very useful work without attracting much attention. They are generally examined and drawn up by commissions of competent men, and pass both chambers almost without discussion. There have, however, been a few which aroused public interest and even deep feeling. Firstly, there was the law of the 27th of July 1884, and those which completed it; this law re-established divorce, which had been abolished since 1816, but only permitted it for certain definite causes determined by law. On the other hand, the law of the 6th of February 1893 increased the liberty and independence of a woman who was simply judicially separated, in order to encourage separation, as opposed to divorce, when the conditions allowed it. The law of the 25th of March 1896 on the succession of illegitimate children, who

were recognized by the parents, treated them not in the same way as legitimate children, but gave them the title of heirs in the succession of their father and mother, together with much greater rights than they had possessed under the *Code Civil*. The law of the 24th of July 1899, on the protection of children who are ill-treated or morally neglected, also modified some of the provisions of the law as applied to the family, with a view to greater justice and humanity. Finally, on the occasion of the centenary of the *Code Civil* (see [CODE NAPOLÉON](#)), a commission, composed of members of the chambers, magistrates, professors of law, lawyers, political writers, and even novelists and dramatic authors, was given the task of revising the whole structure of the code.

See generally Adhémar Esmein, *Cours élémentaire d'histoire du droit français* (6th ed., 1906); J. Brissand, *Cours d'histoire générale du droit français public et privé* (1904); Ernest Glasson, *Histoire du droit et des institutions en France* (1887-1904); Paul Viollet, *Histoire des institutions politiques et administratives de la France* (3rd ed., 1903); Fustel de Coulanges, *Histoire des institutions politiques de l'ancienne France*; Jacques Flach, *Les Origines de l'ancienne France* (1875-1889); Achille Luchaire, *Histoire des institutions monarchiques de la France sous les premiers Capétiens* (2nd ed., 1900); Hippolyte Taine, *Les Origines de la France contemporaine* (1878-1894); Adhémar Esmein, *Éléments de droit constitutionnel français et comparé* (4th ed., 1906); Léon Duguit et Henry Monnier, *Les Constitutions et les principales lois politiques de la France depuis 1789* (1898).

(J. P. E.)

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1 *Political Science and Comparative Constitutional Law* (Boston, 1896).

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**FRANCESCHI, JEAN BAPTISTE**, BARON (1766-1813), French general, was born at Bastia on the 5th of December 1766 and entered the French service in 1793. He took part in the operations in Corsica in the following year, and received a wound at the siege of San Fiorenzo. After this he left the island and was appointed a field officer in the French Army of Italy, with which he served from 1795 to 1799. He served as a general officer in the campaign of Marengo, in the Naples campaign of 1805-1806, and in the Peninsular War from 1807 to 1809. He was created a baron by Napoleon. He commanded a Neapolitan brigade in the Russian War of 1812, and after the retreat from Moscow took refuge, with the remnant of his command, in Danzig, where in the course of the siege of 1813 he died on the 19th of March.

Two other generals of brigade in Napoleon's wars bore the name of Franceschi, and the three have often been mistaken for each other. The first was born at Lyons, JEAN BAPTISTE MARIE FRANCESCHI-DELONNE (1767-1810), who served throughout the Revolutionary campaign on the Rhine, took part in the campaign of Zürich in 1799, and distinguished himself very greatly by his escape from, and subsequent return to, Genoa, when in 1800 Masséna was closely besieged in that city. He became a cavalry colonel in 1803, was promoted general of brigade on the field of Austerlitz, and served in southern Italy and in Spain on the staff of King Joseph Bonaparte. During the Peninsular War he won great distinction as a cavalry general, and in 1810 Napoleon made him a baron. At this time he was a prisoner in the hands of the Spaniards, into whose hands he had fallen while bearing important despatches during the campaign of Talavera. He was harshly treated by his captors, and died at Carthagena on the 23rd of October 1810. The second was FRANÇOIS FRANCESCHI-LOSIO (1770-1810), born at Milan, who entered the French Revolutionary army in 1795. He served through the Italian campaign of 1796-97, and subsequently, like Franceschi-Delonne, with Masséna at Zürich and at Genoa, and at the headquarters of King Joseph in Italy and Spain. He was killed in a duel by the Neapolitan colonel Filangieri in 1810.

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**FRANCESCHI, PIERO** (OR PIETRO) **DE'** (c. 1416-1492), Italian painter of the Umbrian school. This master is generally named Piero della Francesca (Peter, son of Frances), the tradition being that his father, a woollen-draper named Benedetto, had died before his birth. This is not correct, for the mother's name was Romana, and the father continued living during many years of Piero's career. The painter is also named Piero Borghese, from his birthplace, Borgo San Sepolcro, in Umbria. The true family name was, as above stated, Franceschi, and

the family still exists under the name of Martini-Franceschi.

Piero first received a scientific education, and became an adept in mathematics and geometry. This early bent of mind and course of study influenced to a large extent his development as a painter. He had more science than either Paolo Uccello or Mantegna, both of them his contemporaries, the former older and the latter younger. Skilful in linear perspective, he fixed rectangular planes in perfect order and measured them, and thus got his figures in true proportional height. He preceded and excelled Domenico Ghirlandajo in projecting shadows, and rendered with considerable truth atmosphere, the harmony of colours, and the relief of objects. He was naturally therefore excellent in architectural painting, and, in point of technique, he advanced the practice of oil-colouring in Italy.

The earliest trace that we find of Piero as a painter is in 1439, when he was an apprentice of Domenico Veneziano, and assisted him in painting the chapel of S. Egidio, in S. Maria Novella of Florence. Towards 1450 he is said to have been with the same artist in Loreto; nothing of his, however, can now be identified in that locality. In 1451 he was by himself, painting in Rimini, where a fresco still remains. Prior to this he had executed some extensive frescoes in the Vatican; but these were destroyed when Raphael undertook on the same walls the "Liberation of St Peter" and other paintings. His most extensive extant series of frescoes is in the choir of S. Francesco in Arezzo,—the "History of the Cross," beginning with legendary subjects of the death and burial of Adam, and going on to the entry of Heraclius into Jerusalem after the overthrow of Chosroes. This series is, in relation to its period, remarkable for effect, movement, and mastery of the nude. The subject of the "Vision of Constantine" is particularly vigorous in chiaroscuro; and a preparatory design of the same composition was so highly effective that it used to be ascribed to Giorgione, and might even (according to one authority) have passed for the handiwork of Correggio or of Rembrandt. A noted fresco in Borgo San Sepolcro, the "Resurrection," may be later than this series; it is preserved in the Palazzo de' Conservatori. An important painting of the "Flagellation of Christ," in the cathedral of Urbino, is later still, probably towards 1470. Piero appears to have been much in his native town of Borgo San Sepolcro from about 1445, and more especially after 1454, when he finished the series in Arezzo. He grew rich there, and there he died, and in October 1492 was buried.

Two statements made by Vasari regarding "Piero della Francesca" are open to much controversy. He says that Piero became blind at the age of sixty, which cannot be true, as he continued painting some years later; but scepticism need perhaps hardly go to the extent of inferring that he was never blind at all. Vasari also says that Fra Luca Pacioli, a disciple of Piero in scientific matters, defrauded his memory by appropriating his researches without acknowledgment. This is hard upon the friar, who constantly shows a great reverence for his master in the sciences. One of Pacioli's books was published in 1509, and speaks of Piero as still living. Hence it has been propounded that Piero lived to the patriarchal age of ninety-four or upwards; but, as it is now stated that he was buried in 1492, we must infer that there is some mistake in relation to Pacioli's remark—perhaps the date of writing was several years earlier than that of publication. Piero was known to have left a manuscript of his own on perspective; this remained undiscovered for a long time, but eventually was found by E. Harzen in the Ambrosian library of Milan, ascribed to some supposititious "Pietro, Pittore di Bruges." The treatise shows a knowledge of perspective as dependent on the point of distance.

In the National Gallery, London, are three paintings attributed to Piero de' Franceschi. Another work, a profile of Isotta da Rimini, may safely be rejected. The "Baptism of Christ," which used to be the altar-piece of the Priory of the Baptist in Borgo San Sepolcro, is an important example; and still more so the "Nativity," with the Virgin kneeling, and five angels singing to musical instruments. This is a very interesting and characteristic specimen, and has indeed been praised somewhat beyond its deservings on aesthetic grounds.

Piero's earlier style was energetic but unrefined, and to the last he lacked selectness of form and feature. The types of his visages are peculiar, and the costumes (as especially in the Arezzo series) singular. He used to work assiduously from clay models swathed in real drapery. Luca Signorelli was his pupil, and probably to some extent Perugino; and his own influence, furthered by that of Signorelli, was potent over all Italy. Belonging as he does to the Umbrian school, he united with that style something of the Sienese and more of the Florentine mode.

Besides Vasari and Crowe & Cavalcaselle, the work by W.G. Waters, *Piero della Francesca* (1899) should be consulted.

(W. M. R.)

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**FRANCESCHINI, BALDASSARE** (1611-1689), Italian painter of the Tuscan school, named, from Volterra the place of his birth, Il Volterrano, or (to distinguish him from Ricciarelli) Il Volterrano Giuniore, was the son of a sculptor in alabaster. At a very early age he learned from Cosimo Daddi some of the elements of art, and he started as an assistant to his father. This employment being evidently below the level of his talents, the marquises Inghirami placed him, at the age of sixteen, under the Florentine painter Matteo Rosselli. In the ensuing year he had advanced sufficiently to execute in Volterra some frescoes, skilful in foreshortening, followed by other frescoes for the Medici family in the Valle della Petraia. In 1652 the marchese Filippo Niccolini, being minded to employ Franceschini upon the frescoes for the cupola and back-wall of his chapel in S. Croce, Florence, despatched him to various parts of Italy to perfect his style. The painter, in a tour which lasted some months, took more especially to the qualities distinctive of the schools of Parma and Bologna, and in a measure to those of Pietro da Cortona, whose acquaintance he made in Rome. He then undertook the paintings commissioned by Niccolini, which constitute his most noted performance, the design being good, and the method masterly. Franceschini ranks higher in fresco than in oil painting. His works in the latter mode were not unfrequently left unfinished, although numerous specimens remain, the cabinet pictures being marked by much sprightliness of invention. Among his best oil paintings of large scale is the "St John the Evangelist" in the church of S. Chiara at Volterra. One of his latest works was the fresco of the cupola of the Annunziata, Florence, which occupied him for two years towards 1683, a production of much labour and energy. Franceschini died of apoplexy at Volterra on the 6th of January 1689. He is reckoned among those painters of the decline of art to whom the general name of "machinist" is applied.

He is not to be confounded with another Franceschini of the same class, and of rather later date, also of no small eminence in his time—the Cavaliere Marcantonio Franceschini (1648-1729), who was a Bolognese.

**FRANCHE-COMTÉ**, a province of France from 1674 to the Revolution. It was bounded on the E. by Switzerland, on the S. by Bresse and Bugey, on the N. by Lorraine, and on the W. by the duchy of Burgundy and by Bassigny, embracing to the E. of the Jura the valley of the Saône and most of that of the Doubs. Under the Romans it corresponded to *Maxima Sequanorum*, and after having formed part of the kingdom of Burgundy was in the early part of the middle ages split up into the four countships of Portois, Varais, Amons and Escuens. In the 10th century these four countships were united to form a whole, which came to be called the countship of Burgundy, and belonged at that time to the family of the counts of Mâcon.

The limits of the countship were definitely settled under Otto William, son of Albert or Adalbert, king of Italy (†1027), who on the death of his father-in-law, Henry (1002), tried to seize the duchy of Burgundy, but without success. The countship, which formed a fief dependent on the kingdom of Burgundy, passed to Renaud I., the second son of Otto William. When the kingdom of Burgundy was joined to the Germanic empire, he refused to pay homage to the emperor Henry III., whose suzerainty over him never existed except in theory. William I., surnamed the Great or Headstrong (1059-1087), still further added to the power of his house by marrying Etiennette, heiress of the count of Vienne, and by acquiring from his cousin Guy, when the latter became a monk at Cluny, the countship of Mâcon. One of his sons, Guy, became pope, under the name of Calixtus II. His grandson, Renaud III. (1097-1148), in his turn refused to pay homage to the emperor Lothair, who retaliated by confiscating his dominions and giving them to Conrad of Zähringen. Renaud, however, succeeded in maintaining until his death his possession of the countships of Burgundy, Vienne and Mâcon. He left as sole heiress a daughter, Beatrix, whom his brother William III. imprisoned, in order to make an attempt on her inheritance; she was set free, however, by the emperor Frederick Barbarossa, who married her in 1156.

On the death of Beatrix (1185) the countship of Burgundy passed to Otto I. (1190-1200), the youngest but one of her sons, who had to dispute its possession with Stephen, count of Auxonne, the grandson of William III. Beatrix, the daughter and heiress of Otto I. (1200-1231), married Otto, duke of Meran (†1234), under whose government the inhabitants of Besançon, which had been since the time of Frederick Barbarossa an imperial city, formed themselves definitely into a *commune*. Alix, daughter of Beatrix and of Otto of Meran, and heiress to the countship of Burgundy, married Hugh of Chalon, son of John the Ancient or the

Wise (d. 1248), and a descendant of William III. and consequently of William the Headstrong, thus bringing the countship back into the family of its former lords. His son Otto IV. (1279-1303) engaged in war against the bishop of Basel, and the German king Rudolph I., who supported the latter, entered Franche-Comté and besieged Besançon, but without success (1289). Otto, in fulfilment of the treaties of Ervennes and Vincennes (1291-1295) gave Jeanne, his daughter by Mahaut of Artois, in marriage to Philip, count of Poitiers, son of Philip the Fair. The latter took over the administration of the countship in spite of strong opposition from the nobles of the country, but their leader, John of Chalon-Arlay, was compelled to make his submission. Another of Otto's daughters married Charles IV., the Handsome, and both princesses, together with their sister-in-law Margaret of Burgundy, were concerned in the celebrated trial of the Tour de Nesle. Jeanne, however, continued to govern her countship when Philip her husband became king of France (Philip V., "the Long"). Jeanne, their daughter and heiress, married Odo IV., duke of Burgundy (1330-1347), and her sister Margaret became the wife of Louis II., count of Flanders. The countship returned to Margaret at the death of Odo IV., who was succeeded in his duchy by his grandson Philip of Rouvre.

The marriage of Philip the Bold with Margaret, daughter of Louis of Mâle, caused Franche-Comté to pass to the princes of the ducal house of Burgundy, who kept it up till the death of Charles the Bold (1477). On his death Louis XI. laid claim to the government of the countship as well as of the duchy, as trustee for the property of the princess Mary, who was closely related to him and destined to marry the dauphin (later Charles VIII.). French garrisons occupied the principal towns, and the lord of Craon was appointed governor of the country. In consequence of his severity there was a general rising, and at the same time Mary married Maximilian, archduke of Austria, to whom her father had formerly betrothed her (Aug. 1477). The French were expelled from the fortified towns and Craon beaten by the people of Dôle. Charles of Amboise, who took his place, reconquered the province, and even Besançon submitted to the authority of the king of France, who promised to respect its privileges.

On the death of Louis XI. (1483), the estates of Franche-Comté recognized as sovereign his son Charles, who was betrothed to the little Margaret of Burgundy, daughter of Maximilian and Mary (d. 1482), but when Charles VIII. refused Margaret's hand in order to marry Anne of Brittany there was a fresh rising, and the French were again driven out. The treaty of Senlis (23rd May 1483) put an end to the struggle: Charles abandoned all his pretensions, and Maximilian was thus left in possession of Franche-Comté, the sovereignty of which he handed on to his son Philip and ultimately to the crown of Spain. He had, however, constituted his daughter Margaret sovereign-governess of Franche-Comté for life, and under the administration of this princess (who died in 1530), as under the rule of Charles V., the country enjoyed comparative independence, paying a "*don gratuit*" of 200,000 livres every three years, and being actually governed by the parliament of Dôle, and by governors chosen from the nobility of the country. It was Franche-Comté which furnished Philip II. of Spain with one of his best counsellors, Cardinal Perrenot de Granvella.

In the 16th century the country was disturbed by the preaching of Protestant doctrines, which gained adherents especially in the district of Montbéliard, and later by the wars between France and Spain. In 1595 the armies of Henry IV. levied contributions on Besançon and other towns; but the people of Franche-Comté succeeded in obtaining special terms of neutrality in order to shelter themselves from injury from either of the parties in the war, and enjoyed a period of calm under the government of the infanta Isabella Clara Eugénie and the archduke Albert (1599-1621). But the country suffered greatly from the ravages of the Thirty Years' War, from the presence of the army of the Condés, which besieged Dôle, from the devastation of the troops of Gallas, and later of those of Bernard of Saxe-Weimar. The peace of Westphalia (1648) confirmed Spain in the possession of Franche-Comté. In 1668 the French again entered it, and the conquest, of which the foundations had been laid by the intrigues of the abbot of Watteville and the French party constituted by him, was easily accomplished by Condé and Luxemburg, Louis XIV. directing the army in Franche-Comté for some time in person. None the less, the country was restored to Spain at the peace of Aix-la-Chapelle (1668), but in 1674 Louis headed another expedition there. Besançon capitulated after a siege of twenty-seven days, and Dôle and Salins also fell into the hands of the invaders.

In 1678 the treaty of Nijmegen gave Franche-Comté to France (the principality of Montbéliard remaining in the possession of the house of Würtemberg, which had acquired it by marriage), and it was in celebration of this conquest that the Arc de Triomphe of the Portes Saint Denis and Saint Martin at Paris was erected. Franche-Comté became a military government (*gouvernement*). The estates ceased to meet, and the old "*don gratuit*" was replaced by a tax which became increasingly heavy. Louis made Besançon, which Vauban fortified, into the capital of the province, and transferred to it the parliament and the

university, the seat of which had hitherto been Dôle. For purposes of administration, the county was divided among the four great *bailliages* of Besançon, Dôle, Amont (chief town Vesoul) and Aval (chief town Salins). At the Revolution were formed from it the departments of Jura, Doubs and Haute-Saône.

See Dunod, *Histoire des Sequanois; Hist. du comté de Bourgogne* (Dijon, 1735-1740); E. Clerc, *Essai sur l'histoire de la Franche-Comté* (2nd ed., Besançon, 1870).

(R. Po.)

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**FRANCHISE** (from O. Fr. *franchise*, freedom, *franc*, free), in English law, a royal privilege or branch of the crown's prerogative subsisting in the hands of a subject. A franchise is an incorporeal hereditament, and arises either from royal grants or from prescription which presupposes a grant. Such franchises are bodies corporate, the right to hold a fair, market, ferry, free fishery, &c. The term is also applied to the right of voting at elections and the qualifications upon which that right is based (see [REGISTRATION](#); [REPRESENTATION](#); [VOTE](#)). In the United States the term is especially applied to the right or powers of partial appropriation of public property by exclusive use, or to a privilege of a public nature conferred on a corporation created for the purpose.

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**FRANCIA** (c. 1450-1517), a Bolognese painter, whose real name was Francesco Raibolini, his father being Marco di Giacomo Raibolini, a carpenter, descended from an old and creditable family, was born at Bologna about 1450. He was apprenticed to a goldsmith currently named Francia, and from him probably he got the nickname whereby he is generally known; he moreover studied design under Marco Zoppo. The youth was thus originally a goldsmith, and also an engraver of dies and niellos, and in these arts he became extremely eminent. He was particularly famed for his dies for medals; he rose to be mint-master at Bologna, and retained that office till the end of his life. A famous medal of Pope Julius II. as liberator of Bologna is ascribed to his hand, but not with certainty. As a type-founder he made for Aldus Manutius the first italic type.

At a mature age—having first, it appears, become acquainted with Mantegna—he turned his attention to painting. His earliest known picture is dated 1494 (not 1490, as ordinarily stated). It shows so much mastery that one is compelled to believe that Raibolini must before then have practised painting for some few years. This work is now in the Bologna gallery,—the “Virgin enthroned, with Augustine and five other saints.” It is an oil picture, and was originally painted for the church of S. Maria della Misericordia, at the desire of the Bentivoglio family, the rulers of Bologna. The same patrons employed him upon frescoes in their own palace; one of “Judith and Holophernes” is especially noted, its style recalling that of Mantegna. Francia probably studied likewise the works of Perugino; and he became a friend and ardent admirer of Raphael, to whom he addressed an enthusiastic sonnet. Raphael cordially responded to the Bolognese master's admiration, and said, in a letter dated in 1508, that few painters or none had produced Madonnas more beautiful, more devout, or better portrayed than those of Francia. If we may trust Vasari—but it is difficult to suppose that he was entirely correct—the exceeding value which Francia set on Raphael's art brought him to his grave. Raphael had consigned to Francia his famous picture of “St Cecilia,” destined for the church of S. Giovanni in Monte, Bologna; and Francia, on inspecting it, took so much to heart his own inferiority, at the advanced age of about sixty-six, to the youthful Umbrian, that he sickened and shortly expired on the 6th of January 1517. A contemporary record, after attesting his pre-eminence as a goldsmith, jeweller and painter, states that he was “most handsome in person and highly eloquent.”

Distanced though he may have been by Raphael, Francia is rightly regarded as the greatest painter of the earlier Bolognese school, and hardly to be surpassed as representing the art termed “antico-moderno,” or of the “quattrocento.” It has been well observed that his style is a medium between that of Perugino and that of Giovanni Bellini; he has somewhat more of spontaneous naturalism than the former, and of abstract dignity in feature and form than the latter. The magnificent portrait in the Louvre of a young man in black, of brooding

thoughtfulness and saddened profundity of mood, would alone suffice to place Francia among the very great masters, if it could with confidence be attributed to his hand, but in all probability its real author was Franciabigio; it had erewhile passed under the name of Raphael, of Giorgione, or of Sebastian del Piombo. The National Gallery, London, contains two remarkably fine specimens of Francia, once combined together as principal picture and lunette,—the “Virgin” and “Child and St Anna” enthroned, surrounded by saints, and (in the lunette) the “Pietà,” or lamentation of angels over the dead Saviour. They come from the Buonvisi chapel in the church of S. Frediano, Lucca, and were among the master’s latest paintings. Other leading works are—in Munich, the “Virgin” sinking on her knees in adoration of the Divine Infant, who is lying in a garden within a rose trellis; in the Borghese gallery, Rome, a Peter Martyr; in Bologna, the frescoes in the church of St Cecilia, illustrating the life of the saint, all of them from the design of Raibolini, but not all executed by himself. His landscape backgrounds are of uncommon excellence. Francia had more than 200 scholars. Marcantonio Raimondi, the famous engraver, is the most renowned of them; next to him Amico Aspertini, and Francia’s own son Giacomo, and his cousin Julio. Lorenzo Costa was much associated with Francia in pictorial work.

Among the authorities as to the life and work of Francia may be mentioned J.A. Calvi, *Memorie della vita di Francesco Raibolini* (1812), and especially G.C. Williamson, *Francia* (1900).

(W. M. R.)

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**FRANCIA, JOSÉ GASPAR RODRIGUEZ** (c. 1757-1840), dictator of Paraguay, was born probably about 1757. According to one account he was of French descent; but the truth seems to be that his father, Garcia Rodriguez Francia, was a native of S. Paulo in Brazil, and came to Paraguay to take charge of a plantation of black tobacco for the government. He studied theology at the college of Cordova de Tucuman, and is said to have been for some time a professor in that faculty; but he afterwards turned his attention to the law, and practised in Asuncion. Having attained a high reputation at once for ability and integrity, he was selected for various important offices. On the declaration of Paraguayan independence in 1811, he was appointed secretary to the national junta, and exercised an influence on affairs greatly out of proportion to his nominal position. When the congress or junta of 1813 changed the constitution and established a duumvirate, Dr Francia and the Gaucho general Yegres were elected to the office. In 1814 he secured his own election as dictator for three years, and at the end of that period he obtained the dictatorship for life. In the accounts which have been published of his administration we find a strange mixture of capacity and caprice, of far-sighted wisdom and reckless infatuation, strenuous endeavours after a high ideal and flagrant violations of the simplest principles of justice. He put a stop to the foreign commerce of the country, but carefully fostered its internal industries; was disposed to be hospitable to strangers from other lands, and kept them prisoners for years; lived a life of republican simplicity, and punished with Dionysian severity the slightest want of respect. As time went on he appears to have grown more arbitrary and despotic. Deeply imbued with the principles of the French Revolution, he was a stern antagonist of the church. He abolished the Inquisition, suppressed the college of theology, did away with the tithes, and inflicted endless indignities on the priests. He discouraged marriage both by precept and example, and left behind him several illegitimate children. For the extravagances of his later years the plea of insanity has been put forward. On the 20th of September 1840 he was seized with a fit and died.

The first and fullest account of Dr Francia was given to the world by two Swiss surgeons, Rengger and Longchamp, whom he had detained from 1819 to 1825—*Essai historique sur la révolution de Paraguay et la gouvernement dictatorial du docteur Francia* (Paris, 1827). Their work was almost immediately translated into English under the title of *The Reign of Doctor Joseph G.R. De Francia in Paraguay* (1827). About eleven years after there appeared at London *Letters on Paraguay*, by J.P. and W.P. Robertson, two young Scotsmen whose hopes of commercial success had been rudely destroyed by the dictator’s interference. The account which they gave of his character and government was of the most unfavourable description, and they rehearsed and emphasized their accusations in *Francia’s Reign of Terror* (1839) and *Letters on South America* (3 vols., 1843). From the very pages of his detractors Thomas Carlyle succeeded in extracting materials for a brilliant defence of the dictator “as a man or sovereign of iron energy and industry, of great and severe labour.” It appeared in the *Foreign Quarterly Review* for 1843, and is reprinted in his *Critical and Miscellaneous Essays*. Sir

Richard F. Burton gives a graphic sketch of Francia's life and a favourable notice of his character in his *Letters from the Battlefields of Paraguay* (1870), while C.A. Washburn takes up a hostile position in his *History of Paraguay* (1871).

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**FRANCIABIGIO** (1482-1525), Florentine painter. The name of this artist is generally given as Mercantonio Franciabigio; it appears, however, that his only real ascertained name was Francesco di Cristofano; and that he was currently termed Francia Bigio, the two appellatives being distinct. He was born in Florence, and studied under Albertinelli for some months. In 1505 he formed the acquaintance of Andrea del Sarto; and after a while the two painters set up a shop in common in the Piazza del Grano. Franciabigio paid much attention to anatomy and perspective, and to the proportions of his figures, though these are often too squat and puffy in form. He had a large stock of artistic knowledge, and was at first noted for diligence. As years went on, and he received frequent commissions for all sorts of public painting for festive occasions, his diligence merged in something which may rather be called workmanly offhandedness. He was particularly proficient in fresco, and Vasari even says that he surpassed all his contemporaries in this method—a judgment which modern connoisseurship does not accept. In the court of the Servites (or cloister of the Annunziata) in Florence he painted in 1513 the "Marriage of the Virgin," as a portion of a series wherein Andrea del Sarto was chiefly concerned. The friars having uncovered this work before it was quite finished, Franciabigio was so incensed that, seizing a mason's hammer, he struck at the head of the Virgin, and some other heads; and the fresco, which would otherwise be his masterpiece in that method, remains thus mutilated. At the Scalzo, in another series of frescoes on which Andrea was likewise employed, he executed in 1518-1519 the "Departure of John the Baptist for the Desert," and the "Meeting of the Baptist with Jesus"; and, at the Medici palace at Poggio a Caiano, in 1521, the "Triumph of Cicero." Various works which have been ascribed to Raphael are now known or reasonably deemed to be by Franciabigio. Such are the "Madonna del Pozzo," in the Uffizi Gallery; the half figure of a "Young Man," in the Louvre (see also **FRANCIA**); and the famous picture in the Fuller-Maitland collection, a "Young Man with a Letter." These two works show a close analogy in style to another in the Pitti gallery, avowedly by Franciabigio, a "Youth at a Window," and to some others which bear this painter's recognized monogram. The series of portraits, taken collectively, placed beyond dispute the eminent and idiosyncratic genius of the master. Two other works of his, of some celebrity, are the "Calumny of Apelles," in the Pitti, and the "Bath of Bathsheba" (painted in 1523), in the Dresden gallery.

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**FRANCIS** (Lat. *Franciscus*, Ital. *Francesco*, Span. *Francisco*, Fr. *François*, Ger. *Franz*), a masculine proper name meaning "Frenchman." As a Christian name it originated with St Francis of Assisi, whose baptismal name was Giovanni, but who was called Francesco by his father on returning from a journey in France. The saint's fame made the name exceedingly popular from his day onwards.

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**FRANCIS I.** (1708-1765), Roman emperor and grand duke of Tuscany, second son of Leopold Joseph, duke of Lorraine, and his wife Elizabeth Charlotte, daughter of Philip, duke of Orleans, was born on the 8th of December 1708. He was connected with the Habsburgs through his grandmother Eleanore, daughter of the emperor Ferdinand III., and wife of Charles Leopold of Lorraine. The emperor Charles VI. favoured the family, who, besides being his cousins, had served the house of Austria with distinction. He had designed to marry his daughter Maria Theresa to Clement, the elder brother of Francis. On the death of Clement he adopted the younger brother as her husband. Francis was brought up at Vienna with Maria Theresa on the understanding that they were to be married, and a real affection arose

between them. At the age of fifteen, when he was brought to Vienna, he was established in the Silesian duchy of Teschen, which had been mediatized and granted to his father by the emperor in 1722. He succeeded his father as duke of Lorraine in 1729, but the emperor, at the end of the Polish War of Succession, desiring to compensate his candidate Stanislaus Leszczynski for the loss of his crown in 1735, persuaded Francis to exchange Lorraine for the reversion of the grand duchy of Tuscany. On the 12th of February 1736 he was married to Maria Theresa, and they went for a short time to Florence, when he succeeded to the grand duchy in 1737 on the death of John Gaston, the last of the ruling house of Medici. His wife secured his election to the Empire on the 13th of September 1745, in succession to Charles VII., and she made him co-regent of her hereditary dominions. Francis was well content to leave the reality of power to his able wife. He had a natural fund of good sense and some business capacity, and was a useful assistant to Maria Theresa in the laborious task of governing the complicated Austrian dominions, but his functions appear to have been of a purely secretarial character. He died suddenly in his carriage while returning from the opera at Innsbruck on the 18th of August 1765.

See A. von Arneth, *Geschichte Maria Theresias* (Vienna, 1863-1879).

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**FRANCIS II.** (1768-1835), the last Roman emperor, and, as Francis I., first emperor of Austria, was the son of Leopold II., grand-duke of Tuscany, afterwards emperor, and of his wife Maria Louisa, daughter of Charles III. of Spain. He was born at Florence on the 12th of February 1768. In 1784 he was brought to Vienna to complete his education under the eye of his uncle the emperor Joseph II., who was childless. Joseph was repelled by the frigid and retiring character of his nephew, and is said to have treated him with an impatient contempt which confirmed his natural timidity; but after the marriage of Francis to Elizabeth of Württemberg (1788) their relations improved. At the close of his uncle's reign he saw some service in the ill-conducted war with Turkey, and kept a careful diary of his experiences. The death of his wife in childbirth on the 18th of February 1790 was followed by the death of his uncle on the 20th; and Francis acted as regent with Prince Kaunitz until his father came from Florence. On the 19th of September he married his first cousin Maria Theresa, daughter of Ferdinand, king of Naples, by whom he was the father of his successor Ferdinand I., of Maria Louisa, wife of Napoleon, and of the archduke Francis, father of the emperor Francis Joseph. After her death (1807) he married Maria Ludovica Beatrix of Este (1808), and when she died he made a fourth marriage with Carolina Augusta of Bavaria (1816).

He succeeded to the Austrian dominions and the empire on the death of his father on the 1st of March 1792. The position was a trying one for a young prince twenty-four years of age. The dominions of the house of Austria, widely scattered in the Low Countries, Germany and Italy, were exposed to the attacks of the French revolutionary governments and of Napoleon. He was dragged into all the coalitions against France, and in the early days of his reign he had to guard against the ambition of Prussia, and the aggressions of Russia in Poland and Turkey. For long he had no adviser save such diplomatists as Prince Kaunitz and Thugut, who had been trained in the old Austrian diplomacy. His own best quality was an invincible patience supported by reliance on the loyalty of his subjects, and a sense of his duty to the state. (For the general events of this reign till 1815 see [EUROPE](#), [AUSTRIA](#), [NAPOLEON](#), [FRENCH REVOLUTIONARY WARS](#), &c.) The emperor's firmness averted what would have been an irreparable loss of position. Seeing that the Empire was in the last stage of dissolution, and that, even were it to survive, it would pass from the house of Habsburg to that of Bonaparte, he in 1804 assumed the title of hereditary emperor of Austria. The object of this prudent measure was double. In the first place, he guarded against the danger that his house should sink to a lower rank than the Russian or the French. In the second place, he gave some semblance of unity to his complex dominions in Germany, Bohemia, Hungary and Italy, by providing a common title for the supreme ruler. His action was justified when, in 1806, the establishment of the Confederation of the Rhine forced him to abdicate the empty title of Holy Roman emperor.

In 1805 he made an important change in the working of his administration. He had hitherto been assisted by a cabinet minister who was in direct relation with all the "chanceries" and boards which formed the executive government, and who acted as the channel of communication between them and the emperor, and was in fact a prime minister. In 1805 Napoleon insisted on the removal of Count Colloredo, who held the post. From that time forward the emperor Francis acted as his own prime minister, superintending every detail of

his administration. In foreign affairs after 1809 he reposed full confidence in Prince Metternich. But Metternich himself declared at the close of his life that he had sometimes held Europe in the palm of his hand, but never Austria. Francis was sole master, and is entitled to whatever praise is due to his government. It follows that he must bear the blame for its errors. The history of the Austrian empire under his rule and since his death bears testimony to both his merits and his limitations. His indomitable patience and loyalty to his inherited task enabled him to triumph over Napoleon. By consenting to the marriage of his daughter, Marie Louise, to Napoleon in 1810, he gained a respite which he turned to good account. By following the guidance of Metternich in foreign affairs he was able to intervene with decisive effect in 1813. The settlement of Europe in 1815 left Austria stronger and more compact than she had been in 1792, and that this was the case was largely due to the emperor.

During the twenty years which preceded his death in 1835, Francis continued to oppose the revolutionary spirit. He had none of the mystical tendencies of the tsar Alexander I., and only adhered to the half fantastic Holy Alliance of 1815 out of pure politeness. But he was wholly in sympathy with the policy of "repression" which came, in popular view, to be identified with the Holy Alliance; and though Metternich was primarily responsible for the part played by Austria in the "policing" of Europe, Francis cannot but be held personally responsible for the cruel and impolitic severities, associated especially with the sinister name of the fortress prison of the Spielberg, which made so many martyrs to freedom. It is not surprising that Francis was denounced by Liberals throughout Europe as a tyrant and an obscurantist. But though at home, as abroad, he met all suggestions of innovation by a steady refusal to depart from old ways, he was always popular among the mass of his subjects, who called him "our good Kaiser Franz." In truth, if in the spirit of the traditional *Landesvater* he chastised his disobedient children mercilessly, he was essentially a well-meaning ruler who forwarded the material and moral good of his subjects according to his lights. But he held that, by the will of God, the whole sovereign authority resided in his person, and could not be shared with others without a dereliction of duty on his part and disastrous consequences; and his capital error as a ruler of Austria was that he persisted in maintaining a system of administration which depended upon the indefatigable industry of a single man, and was entirely outgrown by the modern development of his subjects. Before his death, government in Austria was almost choked, and it broke down under a successor who had not his capacity for work. Like his ancestor Philip II. of Spain, Francis carried caution, and a disposition to sleep upon every possible proposal, to a great length. He died on the 2nd of March 1835.

See Baron J.A. Helfert, *Kaiser Franz und die österreichischen Befreiungs-Kriege* (Vienna, 1867). Ample bibliographies will be found in Krones von Marchland's *Grundriss der österreichischen Geschichte* (Berlin, 1882).

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**FRANCIS I.** (1494-1547), king of France, son of Charles of Valois, count of Angoulême, and Louise of Savoy, was born at Cognac on the 12th of September 1494. The count of Angoulême, who was the great-grandson of King Charles V., died in 1496, and Louise watched over her son with passionate tenderness. On the accession of Louis XII. in 1498, Francis became heir-presumptive. Louis invested him with the duchy of Valois, and gave him as tutor Marshal de Gié, and, after Gié's disgrace in 1503, the sieur de Boisy, Artus Gouffier. François de Rochefort, abbot of St Mesmin, instructed Francis and his sister Marguerite in Latin and history; Louise herself taught them Italian and Spanish; and the library of the château at Amboise was well stocked with romances of the Round Table, which exalted the lad's imagination. Francis showed an even greater love for violent exercises, such as hunting, which was his ruling passion, and tennis, and for tournaments, masquerades and amusements of all kinds. His earliest gallantries are described by his sister in the 25th and 42nd stories of the *Heptameron*. In 1507 Francis was betrothed to Claude, the daughter of Louis XII., and in 1508 he came to court. In 1512 he gained his first military experience in Guienne, and in the following year he commanded the army of Picardy. He married Claude on the 18th of May 1514, and succeeded Louis XII. on the 1st of January 1515. Of noble bearing, and, in spite of a very long and large nose, extremely handsome, he was a sturdy and valiant knight, affable, courteous, a brilliant talker and a facile poet. He had a sprightly wit, some delicacy of feeling, and some generous impulses which made him amiable. These brilliant qualities, however, were all on the surface. At bottom the man was frivolous, profoundly selfish, unstable, and utterly incapable of consistency or application. The ambassadors remarked his negligence,

and his ministers complained of it. Hunting, tennis, jewelry and his gallantry were the chief preoccupations of his life.

His character was at once authoritative and weak. He was determined to be master and to decide everything himself, but he allowed himself to be dominated and easily persuaded. Favourites, too, without governing entirely for him, played an important part in his reign. His capricious humour elevated and deposed them with the same disconcerting suddenness. In the early years of his reign the conduct of affairs was chiefly in the hands of Louise of Savoy, Chancellor Antoine Duprat, Secretary Florimond Robertet, and the two Gouffiers, Boisy and Bonnivet. The royal favour then elevated Anne de Montmorency and Philippe de Chabot, and in the last years of the reign Marshal d'Annebaud and Cardinal de Tournon. Women too had always a great influence over Francis—his sister, Marguerite d'Angoulême, and his mistresses. Whatever the number of these, he had only two titular mistresses—at the beginning of the reign Françoise de Châteaubriant, and from about 1526 to his death Anne de Pisseleu, whom he created duchesse d'Étampes and who entirely dominated him. It has not been proved that he was the lover of Diane de Poitiers, nor does the story of "La belle Ferronnière" appear to rest on any historical foundation.<sup>1</sup>

Circumstances alone gave a homogeneous character to the foreign policy of Francis. The struggle against the emperor Charles V. filled the greater part of the reign. In reality, the policy of Francis, save for some flashes of sagacity, was irresolute and vacillating. Attracted at first by Italy, dreaming of fair feats of prowess, he led the triumphal Marignano expedition, which gained him reputation as a knightly king and as the most powerful prince in Europe. In 1519, in spite of wise counsels, he stood candidate for the imperial crown. The election of Charles V. caused an inevitable rivalry between the two monarchs which accentuated still further the light and chivalrous temper of the king and the cold and politic character of the emperor. Francis's personal intervention in this struggle was seldom happy. He did not succeed in gaining the support of Henry VIII. of England at the interview of the Field of the Cloth of Gold in 1520; his want of tact goaded the Constable de Bourbon to extreme measures in 1522-1523; and in the Italian campaign of 1525 he proved himself a mediocre, vacillating and foolhardy leader, and by his blundering led the army to the disaster of Pavia (the 25th of February 1525), where, however, he fought with great bravery. "Of all things," he wrote to his mother after the defeat, "nothing remains to me but honour and life, which is safe"—the authentic version of the legendary phrase "All is lost save honour." He strove to play the part of royal captive heroically, but the prison life galled him. He fell ill at Madrid and was on the point of death. For a moment he thought of abdicating rather than of ceding Burgundy. But this was too great a demand upon his fortitude, and he finally yielded and signed the treaty of Madrid, after having drawn up a secret protest. After Madrid he wavered unceasingly between two courses, either that of continuing hostilities, or the policy favoured by Montmorency of peace and understanding with the emperor. At times he had the sagacity to recognize the utility of alliances, as was shown by those he concluded with the Porte and with the Protestant princes of Germany. But he could never pledge himself frankly in one sense or the other, and this vacillation prevented him from attaining any decisive results. At his death, however, France was in possession of Savoy and Piedmont.

In his religious policy Francis showed the same instability. Drawn between various influences, that of Marguerite d'Angoulême, the du Bellays, and the duchesse d'Étampes, who was in favour of the Reformation or at least of toleration, and the contrary influence of the uncompromising Catholics, Duprat, and then Montmorency and de Tournon, he gave pledges successively to both parties. In the first years of the reign, following the counsels of Marguerite, he protected Jacques Lefèvre of Etaples and Louis de Berquin, and showed some favour to the new doctrines. But the violence of the Reformers threw him into the arms of the opposite party. The affair of the Placards in 1534 irritated him beyond measure, and determined him to adopt a policy of severity. From that time, in spite of occasional indulgences shown to the Reformers, due to his desire to conciliate the Protestant powers, Francis gave a free hand to the party of repression, of which the most active and most pitiless member was Cardinal de Tournon; and the end of the reign was sullied by the massacre of the Waldenses (1545).

Francis introduced new methods into government. In his reign the monarchical authority became more imperious and more absolute. His was the government "*du bon plaisir*." By the unusual development he gave to the court he converted the nobility into a brilliant household of dependants. The Concordat brought the clergy into subjection, and enabled him to distribute benefices at his pleasure among the most docile of his courtiers. He governed in the midst of a group of favourites, who formed the *conseil des affaires*. The states-general did not meet, and the remonstrances of the parlement were scarcely tolerated. By centralizing the financial administration by the creation of the *Trésor de l'Épargne*, and by developing the

military establishments, Francis still further strengthened the royal power. His government had the vices of his foreign policy. It was uncertain, irregular and disorderly. The finances were squandered in gratifying the king's unbridled prodigality, and the treasury was drained by his luxurious habits, by the innumerable gifts and pensions he distributed among his mistresses and courtiers, by his war expenses and by his magnificent buildings. His government, too, weighed heavily upon the people, and the king was less popular than is sometimes imagined.

Francis owes the greater measure of his glory to the artists and men of letters who vied in celebrating his praises. He was pre-eminently the king of the Renaissance. Of a quick and cultivated intelligence, he had a sincere love of letters and art. He holds a high place in the history of humanism by the foundation of the Collège de France; he did not found an actual college, but after much hesitation instituted in 1530, at the instance of Guillaume Budé (Budaëus), *Lecteurs royaux*, who in spite of the opposition of the Sorbonne were granted full liberty to teach Hebrew, Greek, Latin, mathematics, &c. The humanists Budé, Jacques Colin and Pierre Duchâtel were the king's intimates, and Clément Marot was his favourite poet. Francis sent to Italy for artists and for works of art, but he protected his own countrymen also. Here, too, he showed his customary indecision, wavering between the two schools. At his court he installed Benvenuto Cellini, Francesco Primaticcio and Rosso del Rosso, but in the buildings at Chambord, St Germain, Villers-Cotterets and Fontainebleau the French tradition triumphed over the Italian.

Francis died on the 31st of March 1547, of a disease of the urinary ducts according to some accounts, of syphilis according to others. By his first wife Claude (d. 1524) he had three sons and four daughters: Louise, who died in infancy; Charlotte, who died at the age of eight; Francis (d. 1536); Henry, who came to the throne as Henry II.; Madeleine, who became queen of Scotland; Charles (d. 1545); and Margaret, duchess of Savoy. In 1530 he married Eleanor, the sister of the emperor Charles V.

AUTHORITIES.—For the official acts of the reign, the *Catalogue des actes de François I<sup>er</sup>*, published by the Académie des Sciences morales et politiques (Paris, 1887-1907), is a valuable guide. The *Bibliothèque Nationale*, the *National Archives*, &c., contain a mass of unpublished documents. Of the published documents, see N. Camuzat, *Meslanges historiques* ... (Troyes, 1619); G. Ribier, *Lettres et mémoires d'état* (Paris, 1666); *Letters de Marguerite d'Angoulême*, ed. by F. Genin (Paris, 1841 and 1842); the *Correspondence of Castillon and Marillac* (ed. by Kaulek, Paris, 1885), of *Odet de Selve* (ed. by Lefèvre-Pontalis, Paris, 1888), and of *Guillaume Pellicier* (ed. by Tausserat-Radel, Paris, 1900); *Captivité du roi François I<sup>er</sup>*, and *Poésies de François I<sup>er</sup>* (both ed. by Champollion-Figeac, Paris, 1847, of doubtful authenticity); *Relations des ambassadeurs vénitiens*, &c. Of the memoirs and chronicles, see the journal of Louise of Savoy in S. Guichenon's *Histoire de la maison de Savoie*, vol. iv. (ed. of 1778-1780); *Journal de Jean Barillon*, ed. by de Vaissière (Paris, 1897-1899); *Journal d'un bourgeois de Paris*, ed. by Lalanne (Paris, 1854); *Cronique du roy François I<sup>er</sup>*, ed. by Guiffrey (Paris, 1868); and the memoirs of Fleuranges, Montluc, Tavannes, Vieilleville, Brantôme and especially Martin du Bellay (coll. Michaud and Poujoulat). Of the innumerable secondary authorities, see especially Paulin Paris, *Études sur le règne de François I<sup>er</sup>* (Paris, 1885), in which the apologetic tendency is excessive; and H. Lemonnier in vol. v. (Paris, 1903-1904) of E. Lavisse's *Histoire de France*, which gives a list of the principal secondary authorities. There is a more complete bibliographical study by V.L. Bourrilly in the *Revue d'histoire moderne et contemporaine*, vol. iv. (1902-1903). The printed sources have been catalogued by H. Hauser, *Les Sources de l'histoire de France, XVI<sup>e</sup> siècle*, tome ii. (Paris, 1907).

(J. I.)

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1 On this point see Paulin Paris, *Études sur le règne de François I<sup>er</sup>*.

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**FRANCIS II.** (1544-1560), king of France, eldest son of Henry II. and of Catherine de' Medici, was born at Fontainebleau on the 19th of January 1544. He married the famous Mary Stuart, daughter of James V. of Scotland, on the 25th of April 1558, and ascended the French throne on the 10th of July 1559. During his short reign the young king, a sickly youth and of feeble understanding, was the mere tool of his uncles Francis, duke of Guise, and Charles, cardinal of Lorraine, into whose hands he virtually delivered the reins of government. The exclusiveness with which they were favoured, and their high-handed proceedings, awakened the resentment of the princes of the blood, Anthony king of Navarre and Louis prince of

Condé, who gave their countenance to a conspiracy (conspiracy of Amboise) with the Protestants against the house of Guise. It was, however, discovered shortly before the time fixed for its execution in March 1560, and an ambush having been prepared, most of the conspirators were either killed or taken prisoners. Its leadership and organization had been entrusted to Godfrey de Barri, lord of la Renaudie (d. 1560); and the prince of Condé, who was not present, disavowed all connexion with the plot. The duke of Guise was now named lieutenant-general of the kingdom, but his Catholic leanings were somewhat held in check by the chancellor Michel de l'Hôpital, through whose mediation the edict of Romorantin, providing that all cases of heresy should be decided by the bishops, was passed in May 1560, in opposition to a proposal to introduce the Inquisition. At a meeting of the states-general held at Orleans in the December following, the prince of Condé, after being arrested, was condemned to death, and extreme measures were being enacted against the Huguenots; but the deliberations of the Assembly were broken off, and the prince was saved from execution, by the king's somewhat sudden death, on the 5th of the month, from an abscess in the ear.

PRINCIPAL AUTHORITIES.—“Lettres de Catherine de Médicis,” edited by Hector de la Ferrière (1880 seq.), and “Négociations ... relatives au règne de François II,” edited by Louis Paris (1841), both in the *Collection de documents inédits sur l'histoire de France*; notice of Francis, duke of Guise, in the *Nouvelle Collection des mémoires pour servir à l'histoire de France*, edited by J.F. Michaud and J.J.F. Poujoulat, series i. vol. vi. (1836 seq.); *Mémoires de Condé servant d'éclaircissement ... à l'histoire de M. de Thou*, vols. i and ii. (1743); Pierre de la Place, *Commentaires de l'estat de la religion et de la république sous les rois Henri II, François II, Charles IX* (1565); and Louis Régnier de la Planche, *Histoire de l'estat de France ... sous ... François II* (*Panthéon littéraire*, new edition, 1884). See also Ernest Lavisse, *Histoire de France* (vol. vi. by J.H. Mariéjol, 1904), which contains a bibliography.

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**FRANCIS I.** (1777-1830), king of the Two Sicilies, was the son of Ferdinand IV. (I.) and Maria Carolina of Austria. He married Clementina, daughter of the emperor Leopold II. of Austria, in 1796, and at her death Isabella, daughter of Charles IV. of Spain. After the Bourbon family fled from Naples to Sicily in 1806, and Lord William Bentinck, the British resident, had established a constitution and deprived Ferdinand IV. of all power, Francis was appointed regent (1812). On the fall of Napoleon his father returned to Naples and suppressed the Sicilian constitution and autonomy, incorporating his two kingdoms into that of the Two Sicilies (1816); Francis then assumed the revived title of duke of Calabria. While still heir-apparent he professed liberal ideas, and on the outbreak of the revolution of 1820 he accepted the regency apparently in a friendly spirit towards the new constitution. But he was playing a double game and proved to be the accomplice of his father's treachery. On succeeding to the throne in 1825 he cast aside the mask of liberalism and showed himself as reactionary as his father. He took little part in the government, which he left in the hands of favourites and police officials, and lived with his mistresses, surrounded by soldiers, ever in dread of assassination. During his reign the only revolutionary movement was the outbreak on the Cilento (1828), savagely repressed by the marquis Delcarretto, an ex-Liberal turned reactionary.

See Nisco, *Il Reame di Napoli sotto Francesco I* (Naples, 1893).

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**FRANCIS II.** (1836-1894), king of the Two Sicilies, son of Ferdinand II. and Maria Cristina of Savoy, was the last of the Bourbon kings of Naples. His education had been much neglected and he proved a man of weak character, greatly influenced by his stepmother Maria Theresa of Austria, by the priests, and by the *Camarilla*, or reactionary court set. He ascended the throne on the death of his father (22nd of May 1859). As prime minister he at once appointed Carlo Filangieri, who, realizing the importance of the Franco-Piedmontese victories in Lombardy, advised Francis to accept the alliance with Piedmont proposed by Cavour. On the 7th of June a part of the Swiss Guard mutinied, and while the king mollified them by promising to redress their grievances, General Nunziante collected other troops, who surrounded the mutineers and shot them down. The incident resulted in the disbanding of the

whole Swiss Guard, the strongest bulwark of the dynasty. Cavour again proposed an alliance to divide the papal states between Piedmont and Naples, the province of Rome excepted, but Francis rejected an idea which to him savoured of sacrilege. Filangieri strongly advocated a constitution as the only measure which might save the dynasty, and on the king's refusal he resigned. Meanwhile the revolutionary parties were conspiring for the overthrow of the Bourbons in Calabria and Sicily, and Garibaldi was preparing for a raid in the south. A conspiracy in Sicily was discovered and the plotters punished with brutal severity, but Rosalino Pilo and Francesco Crispi had organized the movement, and when Garibaldi landed at Marsala (May 1860) he conquered the island with astonishing ease. These events at last frightened Francis into granting a constitution, but its promulgation was followed by disorders in Naples and the resignation of ministers, and Liborio Romano became head of the government. The disintegration of the army and navy proceeded apace, and Cavour sent a Piedmontese squadron carrying troops on board to watch events. Garibaldi, who had crossed the straits of Messina, was advancing northwards and was everywhere received by the people as a liberator. Francis, after long hesitations and even an appeal to Garibaldi himself, left Naples (6th of September) with his wife Maria Sophia, the court, the diplomatic corps (the French and English ministers excepted), and went by sea to Gaeta, where a large part of the army was concentrated. The next day Garibaldi entered Naples, was enthusiastically welcomed, and formed a provisional government. King Victor Emmanuel had decided on the invasion of the papal states, and after occupying Romagna and the Marche entered the Neapolitan kingdom. Garibaldi's troops defeated the Neapolitan royalists on the Volturno (1st and 2nd of October), while the Piedmontese captured Capua. Only Gaeta, Messina, and Civitella del Tronto still held out, and the siege of the former by the Piedmontese began on the 6th of November 1860. Both Francis and Maria Sophia behaved with great coolness and courage, and even when the French fleet, whose presence had hitherto prevented an attack by sea, was withdrawn, they still resisted; it was not until the 12th of February 1861 that the fortress capitulated. Thus the kingdom of Naples was incorporated in that of Italy, and the royal pair from that time forth led a wandering life in Austria, France and Bavaria. Francis died on the 27th of December 1894 at Arco in Tirol. His widow survived him.

Francis II. was weak-minded, stupid and vacillating, but, although his short reign was stained with some cruel massacres and persecutions, he was less of a tyrant than his father. The courage and dignity he displayed during his reverses inspired pity and respect. But the fact that he protected brigandage in his former dominions and countenanced the most abominable crimes in the name of legitimism greatly diminished the sympathy which was felt for the fallen monarch.

BIBLIOGRAPHY.—R. de Cesare, *La Fine d'un regno*, vol. ii. (Città di Castello, 1900) gives a detailed account of the reign of Francis II., while H.R. Whitehouse's *Collapse of the Kingdom of Naples* (New York, 1899) may be recommended to English readers; Nisco's *Francesco II* (Naples, 1887) should also be consulted. See under [NAPLES](#); [GARIBALDI](#); [BIXIO](#); [CAVOUR](#); [ITALY](#); [FILANGIERI](#); &c.

(L. V.\*)

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**FRANCIS IV.** (1779-1846) duke of Modena, was the son of the archduke Ferdinand, Austrian governor of Lombardy, who acquired the duchy of Modena through his wife Marie Beatrice, heiress of the house of Este as well as of many fiefs of the Malaspina, Pio da Carpi, Pico della Mirandola, Cibò, and other families. At the time of the French invasion (1796) Francis was sent to Vienna to be educated, and in 1809 was appointed governor of Galicia. Later he went to Sardinia, where the exiled King Victor Emmanuel I. and his wife Maria Theresa were living in retirement. The latter arranged a marriage between her daughter Marie Beatrice and Francis, and a secret family compact was made whereby if the king and his two brothers died without male issue, the Salic law would be changed so that Francis should succeed to the kingdom instead of Charles Albert of Carignano (N. Bianchi, *Storia della diplomazia europea in Italia*, i. 42-43). On the fall of Napoleon in 1814 Francis received the duchy of Modena, including Massa-Carrara and Lunigiana; his mother's advice was "to be above the law ... never to forgive the Republicans of 1796, nor to listen to the complaints of his subjects, whom nothing satisfies; the poorer they are the quieter they are" (Silingardi, "Ciro Menotti," in *Rivista europea*, Florence, 1880).

The duke was well received at Modena; inordinately ambitious, strong-willed, immensely rich, avaricious but not unintelligent, he soon proved one of the most reactionary despots in

Italy. He still hoped to acquire either Piedmont or some other part of northern Italy, and he was in touch with the Sanfedisti and the Concistoro, reactionary Catholic associations opposed to the Carbonari, but not always friendly to Austria. Against the Carbonari and other Liberals he issued the severest edicts, and although there was no revolt at Modena in 1821 as in Piedmont and Naples, he immediately instituted judicial proceedings against the supposed conspirators. Some 350 persons were arrested and tortured, 56 being condemned to death (only a few of them were executed) and 237 to imprisonment; a large number, however, escaped, including Antonio Panizzi (afterwards director of the British Museum). The ferocious police official Besini who conducted the trials was afterwards murdered. The duke actually proposed to Prince Metternich, the Austrian chancellor, an agreement whereby the various Italian rulers were to arrest every Liberal in the country on a certain day, but the project fell through owing to opposition from the courts of Florence and Rome. At the congress of Verona Metternich made another attempt to secure the Piedmontese succession for Francis, but without success. The duke became ever more despotic; Modena swarmed with spies and informers, education was hampered, feudalism strengthened; for the duke hoped to consolidate his power by means of the nobility, and the least expression of liberalism, or even failure to denounce a Carbonaro, involved arrest and imprisonment. But strange to say, in 1830 we find Francis actually coquetting with revolution. Having lost all hope of acquiring the Piedmontese throne, he entered into negotiations with the French Orleanist party with a view to obtaining its support in his plans for extending his dominions. He was thus brought into touch with *Ciro Menotti* (1798-1831) and the *Modenese Liberals*; what the nature of the connexion was is still obscure, but it was certainly short-lived and merely served to betray the Carbonari. As soon as Francis learned that a conspiracy was on foot to gain possession of the town, he had *Menotti* and several other conspirators arrested on the night of the 3rd of February 1831, and sent the famous message to the governor of *Reggio*: "The conspirators are in my hands; send me the hangman" (there is some doubt as to the authenticity of the actual words). But the revolt broke out in other parts of the duchy and in *Romagna*, and Francis retired to *Mantua* with *Menotti*. A provisional government was formed at *Modena* which proclaimed that "Italy is one," but the duke returned a few weeks later with Austrian troops, and resistance was easily quelled. Then the political trials began; *Menotti* and two others were executed, and hundreds condemned to imprisonment. The population was now officially divided into four classes, viz. "very loyal, loyal, less loyal, and disloyal," and the reaction became worse than ever, the duke interfering in the minutest details of administration, such as hospitals, schools, and roads. New methods of procedure were introduced to deal with political trials, but the ministerial cabal by which the country was administered intrigued and squabbled to such an extent that it had to be dismissed.

On the 20th of February 1846 Francis died. Although he had many domestic virtues and charming manners, was charitable in times of famine, and was certainly the ablest of the Italian despots, Liberalism was in his eyes the most heinous of crimes, and his reign is one long record of barbarous persecution.

(L. V.\*)

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**FRANCIS V.** (1819-1875), duke of *Modena*, son of *Francis IV.*, succeeded his father in 1846. Although less cruel and also less intelligent than his father, he had an equally high opinion of his own authority. His reign began with disturbances at *Fivizzano* and *Pontremoli*, which *Tuscany* surrendered to him according to treaty but against the wishes of the inhabitants (1847), and at *Massa* and *Carrara*, where the troops shot down the people. Feeling his position insecure, the duke asked for and obtained an Austrian garrison, but on the outbreak of revolution throughout Italy and at *Vienna* in 1848, further disorders occurred in the duchy, and on the 20th of March he fled with his family to *Mantua*. A provisional government was formed, and volunteers were raised who fought with the Piedmontese against Austria. But after the Piedmontese defeat Francis returned to *Modena*, with Austrian assistance, in August and conferred many appointments on Austrian officers. Like his father, he interfered in the minutest details of administration, and instituted proceedings against all who were suspected of Liberalism. Not content with the severity of his judges, he overrode their sentences in favour of harsher punishments. The disturbances at *Carrara* were ruthlessly suppressed, and the prisons filled with politicals. In 1859 numbers of young *Modenese* fled across the frontier to join the Piedmontese army, as war with Austria seemed imminent; and after the Austrian defeat at *Magenta* the duke left *Modena* to lead his army in person against the Piedmontese, taking with him the contents of the state treasury and many

valuable books, pictures, coins, tapestries and furniture from the palace. The events of 1859-1860 made his return impossible; and after a short spell of provisional government the duchy was united to Italy. He retired to Austria, and died at Munich in November 1875.

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(L. V.\*)

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**FRANCIS OF ASSISI, ST.** (1181 or 1182-1226), founder of the Franciscans (*q.v.*), was born in 1181 or 1182 at Assisi, one of the independent municipal towns of Umbria. He came from the upper middle class, his father, named Pietro Bernardone, being one of the larger merchants of the city. Bernardone's commercial enterprises made him travel abroad, and it was from the fact that the father was in France at the time of his son's birth that the latter was called Francesco. His education appears to have been of the slightest, even for those days. It is difficult to decide whether words of the early biographers imply that his youth was not free from irregularities; in any case, he was the recognized leader of the young men of the town in their revels; he was, however, always conspicuous for his charity to the poor. When he was twenty (1201) the neighbouring and rival city of Perugia attempted to restore by force of arms the nobles who had been expelled from Assisi by the burghers and the populace, and Francis took part in the battle fought in the plain that lies between the two cities; the men of Assisi were defeated and Francis was among the prisoners. He spent a year in prison at Perugia, and when peace was made at the end of 1202 he returned to Assisi and recommenced his old life.

Soon a serious and prolonged illness fell upon him, during which he entered into himself and became dissatisfied with his way of life. On his recovery he set out on a military expedition, but at the end of the first day's march he fell ill, and had to stay at Spoleto and return to Assisi. This disappointment brought on again the spiritual crisis he had experienced in his illness, and for a considerable time the conflict went on within him. One day he gave a banquet to his friends, and after it they sallied forth with torches, singing through the streets, Francis being crowned with garlands as the king of the revellers; after a time they missed him, and on retracing their steps they found him in a trance or reverie, a permanently altered man. He devoted himself to solitude, prayer and the service of the poor, and before long went on a pilgrimage to Rome. Finding the usual crowd of beggars before St Peter's, he exchanged his clothes with one of them, and experienced an overpowering joy in spending the day begging among the rest. The determining episode of his life followed soon after his return to Assisi; as he was riding he met a leper who begged an alms; Francis had always had a special horror of lepers, and turning his face he rode on; but immediately an heroic act of self-conquest was wrought in him; returning he alighted, gave the leper all the money he had about him, and kissed his hand. From that day he gave himself up to the service of the lepers and the hospitals. To the confusion of his father and brothers he went about dressed in rags, so that his old companions pelted him with mud. Things soon came to a climax with his father: in consequence of his profuse alms to the poor and to the restoration of the ruined church of St Damian, his father feared his property would be dissipated, so he took Francis before the bishop of Assisi to have him legally disinherited; but without waiting for the documents to be drawn up, Francis cast off his clothes and gave them back to his father, declaring that now he had better reason to say "Our Father which art in heaven," and having received a cloak from the bishop, he went off into the woods of Mount Subasio singing a French song; some brigands accosted him and he told them he was the herald of the great king (1206).

The next three years he spent in the neighbourhood of Assisi in abject poverty and want, ministering to the lepers and the outcasts of society. It was now that he began to frequent the ruined little chapel of St Mary of the Angels, known as the Portiuncula, where much of his time was passed in prayer. One day while Mass was being said therein, the words of the Gospel came to Francis as a call: "Everywhere on your road preach and say—The kingdom of God is at hand. Cure the sick, raise the dead, cleanse the lepers, drive out devils. Freely have you received, freely give. Carry neither gold nor silver nor money in your girdles, nor bag, nor

two coats, nor sandals, nor staff, for the workman is worthy of his hire" (Matt. x. 7-10). He at once felt that this was his vocation, and the next day, layman as he was, he went up to Assisi and began to preach to the poor (1209). Disciples joined him, and when they were twelve in number Francis said: "Let us go to our Mother, the holy Roman Church, and tell the pope what the Lord has begun to do through us, and carry it out with his sanction." They obtained the sanction of Innocent III., and returning to Assisi they gave themselves up to their life of apostolic preaching and work among the poor.

The character and development of the order are traced in the article [FRANCISCANS](#); here the story of Francis's own life and the portrayal of his personality will be attempted. To delineate in a few words the character of the Poverello of Assisi is indeed a difficult task. There is such a many-sided richness, such a tenderness, such a poetry, such an originality, such a distinction revealed by the innumerable anecdotes in the memoirs of his disciples, that his personality is brought home to us as one of the most lovable and one of the strongest of men. It is probably true to say that no one has ever set himself so seriously to imitate the life of Christ and to carry out so literally Christ's work in Christ's own way. This was the secret of his love of poverty as manifested in the following beautiful prayer which he addressed to our Lord: "Poverty was in the crib and like a faithful squire she kept herself armed in the great combat Thou didst wage for our redemption. During Thy passion she alone did not forsake Thee. Mary Thy Mother stopped at the foot of the Cross, but poverty mounted it with Thee and clasped Thee in her embrace unto the end; and when Thou wast dying of thirst, as a watchful spouse she prepared for Thee the gall. Thou didst expire in the ardour of her embraces, nor did she leave Thee when dead, O Lord Jesus, for she allowed not Thy body to rest elsewhere than in a borrowed grave. O poorest Jesus, the grace I beg of Thee is to bestow on me the treasure of the highest poverty. Grant that the distinctive mark of our Order may be never to possess anything as its own under the sun for the glory of Thy name, and to have no other patrimony than begging" (in the *Legenda 3 Soc.*). This enthusiastic love of poverty is certainly the keynote of St Francis's spirit; and so one of his disciples in an allegorical poem (translated into English as *The Lady of Poverty* by Montgomery Carmichael, 1901), and Giotto in one of the frescoes at Assisi, celebrated the "holy nuptials of Francis with Lady Poverty."

Another striking feature of Francis's character was his constant joyousness; it was a precept in his rule, and one that he enforced strictly, that his friars should be always rejoicing in the Lord. He retained through life his early love of song, and during his last illness he passed much of his time in singing. His love of nature, animate and inanimate, was very keen and manifested itself in ways that appear somewhat naïve. His preaching to the birds is a favourite representation of St Francis in art. All creatures he called his "brothers" or "sisters"—the chief example is the poem of the "Praises of the Creatures," wherein "brother Sun," "sister Moon," "brother Wind," and "sister Water" are called on to praise God. In his last illness he was cauterized, and on seeing the burning iron he addressed "brother Fire," reminding him how he had always loved him and asking him to deal kindly with him. It would be an anachronism to think of Francis as a philanthropist or a "social worker" or a revivalist preacher, though he fulfilled the best functions of all these. Before everything he was an ascetic and a mystic—an ascetic who, though gentle to others, wore out his body by self-denial, so much so that when he came to die he begged pardon of "brother Ass the body" for having unduly ill treated it: a mystic irradiated with the love of God, endowed in an extraordinary degree with the spirit of prayer, and pouring forth his heart by the hour in the tenderest affections to God and our Lord. St Francis was a deacon but not a priest.

From the return of Francis and his eleven companions from Rome to Assisi in 1209 or 1210, their work prospered in a wonderful manner. The effect of their preaching, and their example and their work among the poor, made itself felt throughout Umbria and brought about a great religious revival. Great numbers came to join the new order which responded so admirably to the needs of the time. In 1212 Francis invested St Clara (*q.v.*) with the Franciscan habit, and so instituted the "Second Order," that of the nuns. As the friars became more and more numerous their missionary labours extended wider and wider, spreading first over Italy, and then to other countries. Francis himself set out, probably in 1212, for the Holy Land to preach the Gospel to the Saracens, but he was shipwrecked and had to return. A year or two later he went into Spain to preach to the Moors, but had again to return without accomplishing his object (1215 probably). After another period of preaching in Italy and watching over the development of the order, Francis once again set out for the East (1219). This time he was successful; he made his way to Egypt, where the crusaders were besieging Damietta, got himself taken prisoner and was led before the sultan, to whom he openly preached the Gospel. The sultan sent him back to the Christian camp, and he passed on to the Holy Land. Here he remained until September 1220. During his absence were manifested the beginnings of the troubles in the order that were to attain to such magnitude after his death. The

circumstances under which, at an extraordinary general chapter convoked by him shortly after his return, he resigned the office of minister-general (September 1220) are explained in the article [FRANCISCANS](#): here, as illustrating the spirit of the man, it is in place to cite the words in which his abdication was couched: "Lord, I give Thee back this family which Thou didst entrust to me. Thou knowest, most sweet Jesus, that I have no more the power and the qualities to continue to take care of it. I entrust it, therefore, to the ministers. Let them be responsible before Thee at the Day of Judgment, if any brother by their negligence, or their bad example, or by a too severe punishment, shall go astray." These words seem to contain the mere truth: Francis's peculiar religious genius was probably not adapted for the government of an enormous society spread over the world, as the Friars Minor had now become.

The chief works of the next years were the revision and final redaction of the Rule and the formation or organization of the "Third Order" or "Brothers and Sisters of Penance," a vast confraternity of lay men and women who tried to carry out, without withdrawing from the world, the fundamental principles of Franciscan life (see [TERTIARIES](#)).

If for no other reason than the prominent place they hold in art, it would not be right to pass by the Stigmata without a special mention. The story is well known; two years before his death Francis went up Mount Alverno in the Apennines with some of his disciples, and after forty days of fasting and prayer and contemplation, on the morning of the 14th of September 1224 (to use Sabatier's words), "he had a vision: in the warm rays of the rising sun he discerned suddenly a strange figure. A seraph with wings extended flew towards him from the horizon and inundated him with pleasure unutterable. At the centre of the vision appeared a cross, and the seraph was nailed to it. When the vision disappeared Francis felt sharp pains mingling with the delights of the first moment. Disturbed to the centre of his being he anxiously sought the meaning of it all, and then he saw on his body the Stigmata of the Crucified." The early authorities represent the Stigmata not as bleeding wounds, the holes as it were of the nails, but as fleshy excrescences resembling in form and colour the nails, the head on the palm of the hand, and on the back as it were a nail hammered down. In the first edition of the *Vie*, Sabatier rejected the Stigmata; but he changed his mind, and in the later editions he accepts their objective reality as an historically established fact; in an appendix he collects the evidence: there exists what is according to all probability an autograph of Br. Leo, the saint's favourite disciple and companion on Mount Alverno at the time, which describes the circumstances of the stigmatization; Elias of Cortona (*q.v.*), the acting superior, wrote on the day after his death a circular letter wherein he uses language clearly implying that he had himself seen the Stigmata, and there is a considerable amount of contemporary authentic second hand evidence. On the strength of this body of evidence Sabatier rejects all theories of fraud or hallucination, whatever may be the explanation of the phenomena.

Francis was so exhausted by the sojourn on Mount Alverno that he had to be carried back to Assisi. The remaining months of his life were passed in great bodily weakness and suffering, and he became almost blind. However, he worked on with his wonted cheerfulness and joyousness. At last, on the 3rd of October 1226, he died in the Portiuncula at the age of forty-five. Two years later he was canonized by Gregory IX., whom, as Cardinal Hugolino of Ostia, he had chosen to be the protector of his order.

The works of St Francis consist of the Rule (in two redactions), the Testament, spiritual admonitions, canticles and a few letters. They were first edited by Wadding in 1623. Two critical editions were published in 1904, one by the Franciscans of Quaracchi near Florence, the other (in a longer and a shorter form) by Professor H. Boehmer of Bonn. Sabatier and Goetz (see below) have investigated the authenticity of the several works; and the four lists, while exhibiting slight variations, are in substantial accord. Besides the works, properly so called, there is a considerable amount of traditional matter—*anecdotes, sayings, sermons*—preserved in the biographies and in the *Fioretti*;<sup>1</sup> a great deal of this matter is no doubt substantially authentic, but it is not possible to subject it to any critical sifting.

*Note on Sources.*—The sources for the life of St Francis and early Franciscan history are very numerous, and an immense literature has grown up around them. Any attempt to indicate even a selection of this literature would here be impossible and also futile; for the discovery of new documents has by no means ceased, and the criticism of the materials is still in full progress, nor can it be said that final results have yet emerged from the discussion. Students will find the chief materials in the following collections: *Archiv für Literatur und Kirchengeschichte des Mittelalters* (ed. by Ehrle and Denifle, 1885, &c.); publications of the Franciscans of Quaracchi (list to be obtained from Herder, Freiburg im Breisgau); and the two series edited by Paul Sabatier, *Collection d'études et de documents sur l'histoire religieuse et littéraire du moyen âge* (5 vols. published up to 1906) and *Opuscles de critique historique*

(12 fascicules): the easiest and most consecutive way of following the controversy is by the aid of the "Bulletin Hagiographique" in *Analecta Bollandiana*. Relatively popular accounts of the most important sources are supplied in the introductory chapters of Sabatier's *Vie de S. François* and *Speculum perfectionis*, and Lempp's *Frère Élie de Cortone*.

Concerning the life of St Francis and the beginnings of the order, the chief documents that come under discussion are: the two *Lives* by Thomas of Celano (1228 and 1248 respectively; Eng. trans. with introduction by A.G. Ferrers Howell, 1908), of which the only critical edition is that of Friar Ed. d'Alençon (1906); the so-called *Legenda trium sociorum*; the *Speculum perfectionis*, discovered by Paul Sabatier and edited in 1898 (Eng. trans. by Sebastian Evans, *Mirror of Perfection*, 1899). Sabatier's theory as to the nature of these documents was, in brief, that the *Speculum perfectionis* was the first of all the Lives of the saint, written in 1227 by Br. Leo, his favourite and most intimate disciple, and that the *Legenda 3 Soc.* is what it claims to be—the handiwork of Leo and the two other most intimate companions of Francis, compiled in 1246; these are the most authentic and the only true accounts, Thomas of Celano's Lives being written precisely in opposition to them, in the interests of the majority of the order that favoured mitigations of the Rule especially in regard to poverty. For ten years the domain of Franciscan origins was explored and discussed by a number of scholars; and then the whole ground was reviewed by Professor W. Goetz of Munich in a study entitled *Die Quellen zur Geschichte des hl. Franz von Assisi* (1904). His conclusions are substantially the same as those of Père van Ortruy, the Bollandist, and Friar Lemmens, an Observant Franciscan, and are the direct contrary of Sabatier's: the *Legenda 3 Soc.* is a forgery; the *Speculum perfectionis* is a compilation made in the 14th century, also in large measure a forgery, but containing an element (not to be precisely determined) derived from Br. Leo; on the other hand, Thomas of Celano's two Lives are free from the "tendencies" ascribed to them by Sabatier, and that of 1248 was written with the collaboration of Leo and the other companions; thus the best sources of information are those portions of the *Speculum* that can with certainty be carried back to Br. Leo, and the Lives by Thomas of Celano, especially the second *Life*. Goetz's criticism of the documents is characterized by exceeding carefulness and sobriety. Of course he does not suppose that his conclusions are in all respects final; but his investigations show that the time has not yet come when a biography of St Francis could be produced answering to the demands of modern historical criticism. The official life of St Francis is St Bonaventura's *Legenda*, published in a convenient form by the Franciscans of Quaracchi (1898); Goetz's estimate of it (*op. cit.*) is much more favourable than Sabatier's.

Paul Sabatier's fascinating and in many ways sympathetic *Vie de S. François* (1894; 33rd ed., 1906; Eng. trans. by L.S. Houghton, 1901) will probably for a long time to come be accepted by the ordinary reader as a substantially correct portrait of St Francis; and yet Goetz declares that the most competent and independent critics have without any exception pronounced that Sabatier has depicted St Francis a great deal too much from the standpoint of modern religiosity, and has exaggerated his attitude in face of the church (*op. cit.* p. 5). In articles in the *Hist. Vierteljahrsschrift* (1902, 1903) Goetz has shown that Sabatier's presentation of St Francis's relations with the ecclesiastical authority in general, and with Cardinal Hugolino (Gregory IX.) in particular, is largely based on misconception; that the development of the order was not forced on Francis against his will; and that the differences in the order did not during Francis's lifetime attain to such a magnitude as to cause him during his last years the suffering depicted by Sabatier. This from a Protestant historian like Goetz is most valuable criticism. In truth Sabatier's St Francis is an anachronism—a man at heart, a modern pietistic French Protestant of the most liberal type, with a veneer of 13th century Catholicism.

Of lives of St Francis in English may be mentioned those by Mrs Oliphant (2nd ed., 1871) and by Canon Knox Little (1897). For general information and references to the literature of the subject, see Otto Zöckler, *Askese und Mönchtum* (1897), ii. 470-493, and his article in Herzog's *Realencyklopädie* (ed. 3), "Franz von Assisi" (1899); also Max Heimbucher, *Orden und Kongregationen* (1896), i. § 38. The chapter on St Francis in Emile Gebhart's *Italie mystique* (ed. 3, 1899) is very remarkable; indeed, though this writer is as little ecclesiastically-minded as Sabatier himself, his general picture of the state of religion in Italy at the time is far truer; here also Sabatier has given way to the usual temptation of biographers to exalt their hero by depreciating everybody else.

(E. C. B.)

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1 *The Little Flowers of St Francis.*

**FRANCIS OF MAYRONE** [FRANCISCUS DE MAYRONIS] (d. 1325), scholastic philosopher, was born at Mayrone in Provence. He entered the Franciscan order and subsequently went to Paris, where he was a pupil of Duns Scotus. At the Sorbonne he acquired a great reputation for ability in discussion, and was known as the *Doctor Illuminatus* and *Magister Acutus*. He became a professor of philosophy, and took part in the discussions on the nature of Universals. Following Duns Scotus, he adopted the Platonic theory of ideas, and denied that Aristotle had made any contribution to metaphysical speculation. It is a curious commentary on the theories of Duns Scotus that one pupil, Francis, should have taken this course, while another pupil, Occam, should have used his arguments in a diametrically opposite direction and ended in extreme Nominalism.

His works were collected and published at Venice in 1520 under the title *Praeclarissima ac multum subtilia scripta Illuminati Doctoris Francisci de Mayronis, &c.*

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**FRANCIS OF PAOLA** (OR PAULA), **ST**, founder of the Minims, a religious order in the Catholic Church, was born of humble parentage at Paola in Calabria in 1416, or according to the Bollandists 1438. As a boy he entered a Franciscan friary, but left it and went to live as a hermit in a cave on the seashore near Paola. Soon disciples joined him, and with the bishop's approval he built a church and monastery. At first they called themselves "Hermits of St Francis"; but the object they proposed to themselves was to go beyond even the strict Franciscans in fasts and bodily austerities of all kinds, in poverty and in humility; and therefore, as the Franciscans were the Minors (*minores*, less), the new order took the name of Minims (*minimi*, least). By 1474 a number of houses had been established in southern Italy and Sicily, and the order was recognized and approved by the pope. In 1482 Louis XI. of France, being on his deathbed and hearing the reports of the holiness of Francis, sent to ask him to come and attend him, and at the pope's command he travelled to Paris. On this occasion Philip de Comines in his *Memoirs* says: "I never saw any man living so holily, nor out of whose mouth the Holy Ghost did more manifestly speak." He remained with Louis till his death, and Louis' successor, Charles VIII., held him in such high esteem that he kept him in Paris, and enabled him to found various houses of his order in France; in Spain and Germany, too, houses were founded during Francis's lifetime. He never left France, and died in 1507 in the monastery of his order at Plessis-les-Tours.

The Rule was so strict that the popes long hesitated to confirm it in its entirety; not until 1506 was it finally sanctioned. The most special feature is an additional vow to keep a perpetual Lent of the strictest kind, not only flesh meat but fish and all animal products—eggs, milk, butter, cheese, dripping—being forbidden, so that the diet was confined to bread, vegetables, fruit and oil, and water was the only drink. Thus in matter of diet the Minims surpassed in austerity all orders in the West, and probably all permanently organized orders in the East. The strongly ascetical spirit of the Minims manifested itself in the title borne by the superiors of the houses—not abbot (father), or prior, or guardian, or minister, or rector, but corrector; and the general superior is the corrector general. Notwithstanding its extreme severity the order prospered. At the death of the founder it had five provinces—Italy, France, Tours, Germany, Spain. Later there were as many as 450 monasteries, and some missions in India. There never was a Minim house in England or Ireland. It ranks as one of the Mendicant orders. In 1909 there were some twenty monasteries, mostly in Sicily, but one in Rome (S. Andrea delle Fratte), and one in Naples, in Marseilles and in Cracow. There have been Minim nuns (only one convent has survived, till recently at Marseilles) and Minim Tertiaries, in imitation of the Franciscan Tertiaries. The habit of the Minims is black.

See Helyot, *Hist. des ordres religieux* (1714), vii. c. 56; Max Heimbucher, *Orden und Kongregationen* (1896), i. § 52; the article "Franz von Paula" in Wetzler und Welte, *Kirchenlexicon* (ed. 2), and in Herzog, *Realencyklopädie* (ed. 3); *Catholic Dictionary*, art. "Minims."

(E. C. B.)

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**FRANCIS (FRANÇOIS) OF SALES, ST** (1567-1622), bishop of Geneva and doctor of the

Church (1877), was born at the castle of Sales, near Annecy, Savoy. His father, also François, comte de Sales, but better known as M. de Boisy, a nobleman and soldier, had been employed in various affairs of state, but in 1560, at the age of thirty-eight, settled down on his ancestral estates and married Françoise de Sionnay, a Savoyard like himself, and an heiress. St Francis, the first child of this union, was born in August 1567 when his mother was in her fifteenth year. M. de Boisy was renowned for his experience and sound judgment, and both parents were distinguished by piety, love of peace, charity to the poor, qualities which early showed themselves in their eldest son.

He received his education first at La Roche, in the Arve valley, then at the college of Annecy, founded by Eustace Chappius, ambassador in England of Charles V., in 1549. At the age of thirteen or fourteen he went to the Jesuit College of Clermont at Paris, where he stayed till the summer of 1588, and where he laid the foundations of his profound knowledge, while perfecting himself in the exercises of a young nobleman and practising a life of exemplary virtue. At this time also he developed an ardent love of France, a country which was politically in antagonism with his own, though so closely linked to it geographically, socially and by language. At the end of 1588 he went to Padua, to take his degree in canon and civil law, a necessary prelude in Savoy at that time to distinction in a civil career. His heart, however, especially from the date of his receiving the tonsure (1578), was already turned towards the Church, and he gave his attention even more to theology, under the great masters Antonio Possevino, S.J., and Gesualdo, afterwards general of the Friars Minor, than to his legal course. "At Padua," he said to a friend, "I studied law to please my father, and theology to please myself." In that licentious university Francis found the greatest difficulty in resisting attacks on his virtue, and once at least had to draw his sword to defend his personal safety against a band of ruffians. The gentleness for which he was already renowned was not that of a weak, but of a strong character. He returned to Savoy in 1592, and, while seeking the occasion to overcome his father's resistance to his resolution of embracing the ecclesiastical profession, took the diploma of advocate to the senate. Meantime, without his knowledge, his friends procured for him the post of provost of the chapter of Geneva, an honour which reconciled M. de Boisy to the sacrifice of more ambitious hopes. After a year of zealous work as preacher and director he was sent by the bishop, Claude de Granier, to try and win back the province of Chablais, which had embraced Calvinism when usurped by Bern in 1535, and had retained it even after its restitution to Savoy in 1564. At first the people refused to listen to him, for he was represented to them as an instrument of Satan, and all who had dealings with him were threatened with the vengeance of the consistory. He therefore wrote out his message on sheets which were passed from hand to hand, and these, with the spectacle of his virtues and disinterestedness, soon produced a strong effect. The sheets just spoken of still exist in the Chigi library at Rome, and were published, though with many alterations, in 1672, under the title of *Les Controverses*. This must be considered the first work of St Francis.

The re-erection of a wayside cross in Annemasse, at the gates of Geneva, amid an enormous concourse of converts, an event which closed the three years of his apostolate, led to the composition of the *Défense ... de la Croix*, published in 1600. An illness brought on by toil and privation forced him to leave his work to others for nearly a year, but in August 1598 he returned to his field of labour, and in October of that year practically the whole country was Catholic again. Up to that time preaching and conference had been the only weapons employed. The stories of the use of soldiers to produce simulated conversions are incorrect.<sup>1</sup> Possibly the lamentable events of the campaigns of 1589 in Gex and Chablais have been applied to the period 1594-1598. In October of this last year, however, the duke of Savoy, who came then to assist in person at the great religious feasts which celebrated the return of the country to unity of faith, expatriated such of the leading men as obstinately refused even to listen to the Catholic arguments. He also forbade Calvinist ministers to reside in the Chablais, and substituted Catholic for Huguenot officials. St Francis concurred in these measures, and, three years later, even requested that those who, as he said, "follow their heresy, rather as a party than a religion," should be ordered either to conform or to leave their country, with leave to sell their goods. His conduct, judged not by a modern standard, but by the ideas of his age, will be found compatible with the highest Christian charity, as that of the duke with sound political prudence. At this time he was nominated to the pope as coadjutor of Geneva,<sup>2</sup> and after a visit to Rome he assisted Bishop de Granier in the administration of the newly converted countries and of the diocese at large.

In 1602 he made his second visit to the French capital, when his transcendent qualities brought him into the closest relations with the court of Henry IV., and made him the spiritual father of that circle of select souls who centred round Madame Acarie. Among the celebrated personages who became his life friends from this time were Pierre de Bérulle, founder of the

French Oratorians, Guillaume Duval, the scholar, and the duc de Bellegarde, the latter a special favourite of the king, who begged to be allowed to share the Saint's friendship. At this time also his gift as a preacher became fully recognized, and de Sanzéa, afterwards bishop of Bethlehem, records that Duval exhorted all his students of the Sorbonne to listen to him and to imitate this, "the true and excellent method of preaching." His principles are expressed in the admirable letter to André Frémyot of October 1604.

De Granier died in September 1602, and the new bishop entered on the administration of his vast diocese, which, as a contemporary says, "he found brick and left marble." His first efforts were directed to securing a virtuous and well-instructed clergy, with its consequence of a people worthy of their pastors. All his time was spent in preaching, confessing, visiting the sick, relieving the poor. His zeal was not confined to his diocese. In concert with Jeanne Françoise Frémyot (1572-1641), widow of the baron de Chantal, whose acquaintance he made while preaching through Lent at Dijon in 1604, he founded the order of the Visitation, in favour of "strong souls with weak bodies," as he said, deterred from entering the orders already existing, by their inability to undertake severe corporal austerities. The institution rapidly spread, counting twenty houses before his death and eighty before that of St Jeanne. The care of his diocese and of his new foundation were not enough for his ardent charity, and in 1609 he published his famous *Introduction to a Devout Life*, a work which was at once translated into the chief European languages and of which he himself published five editions. In 1616 appeared his *Treatise on the Love of God*, which teaches that perfection of the spiritual life to which the former work is meant to be the "Introduction."

The important Lents of 1617 and 1618 at Grenoble were a prelude to a still more important apostolate in Paris, "the theatre of the world," as St Vincent de Paul calls it. This third visit to the great city lasted from the autumn of 1618 to that of 1619; the direct object of it was to assist in negotiating the marriage of the prince of Piedmont with Chrétienne of France, but nearly all his time was spent in preaching and works of mercy, spiritual or corporal. He was regarded as a living saint. St Vincent scarcely left him, and has given the most extraordinary testimonies (as yet unpublished) of his heroic virtues. Mère Angélique Arnaud, who at this time put herself under his direction and wished to join the Order of the Visitation, attracted by its humility and sweetness, may be named as the most interesting of his innumerable penitents of this period. He returned to Savoy, and after three years more of unwearying labour died at Lyons on the 28th of December 1622. A universal outburst of veneration followed; indeed his cult had already begun, and after an episcopal inquiry the pontifical commission in view of his beatification was instituted by decree of the 21st of July 1626, a celerity unique in the annals of the Congregation of Rites. The depositions of witnesses were returned to Rome in 1632, but meantime the forms of the Roman chancery had been changed by Urban VIII., and the advocates could not at once continue their work. Eventually a new commission was issued in 1656, and on its report, into which were inserted nineteen of the former depositions, the "servant of God" was beatified in 1661. The canonization took place in 1665.

Besides the works which we have named, there were published posthumously his *Entretiens*, i.e. a selection of the lectures given to the Visitation, reported by the sisters who heard them, some of his sermons, a large number of his letters, various short treatises of devotion. The first edition of his united or so-called "Complete" works was published at Toulouse in 1637. Others followed in 1641, 1647, 1652, 1663, 1669, 1685. The *Lettres* and *Opuscules* were republished in 1768.

The only modern editions of the complete works which it is worth while to name are those of Blaise (1821), Virès (1856-1858), Migne (1861), and the critical edition published by the Visitation of Annecy, of which the 14th volume appeared in 1905.

The biography of St Francis de Sales was written immediately after his death by the celebrated P. de La Rivière and Dom John de St François (Goulu), as well as by two other authors of less importance. The saint's nephew and successor, Charles Auguste de Sales, brought out a more extended life, Latin and French, in 1635. The lives of Giarda (1650), Maupas du Tour (1657) and Cotelendi (1687) add little to Charles Auguste. Marsollier's longer life, in two volumes (1700), is quite untrustworthy; still more so that by Loyau d'Amboise (1833), which is rather a romance than a biography. The lives by Hamon (1856) and Pérennès (1860), without adding much to preceding biographies, are serious and edifying. A complete life, founded on the lately discovered process of 1626 and the new letters, was being prepared by the author of the present article at the time of his death. With the Lives must be mentioned the *Esprit du B.F. de Sales* by Camus, bishop of Belley, who, amid innumerable errors, gives various interesting traits and sayings of his saintly friend. Among the very numerous modern studies may be named an essay by Leigh Hunt entitled "The Gentleman Saint" (*The Seer*, pt. ii. No. 41); a remarkable *causerie* by Sainte-Beuve (*Lundis*, 3rd Jan. 1853); *Le Réveil du sentiment religieux en France au XVII<sup>e</sup> siècle*, by

1 This, at least, is the account given by Catholic authorities. Less favourable is the view taken by non-Catholic historians, which seems in some measure to be confirmed by St Francis himself. According to this, Duke Charles Emmanuel of Savoy, who succeeded his more tolerant father in 1580, was determined to reduce the Chablais to the Catholic religion, by peaceful means if possible, by force if necessary. After two years of preaching Francis wrote to the duke (*Œuvres compl.* ii. p. 551): "During 27 months I have scattered the seed of the Word of God in this miserable land; shall I say among thorns or on stony ground? Certainly, save for the conversion of the seigneur d'Avully and the advocate Poncet, I have little to boast of." In the winter of 1596-1597 Francis was at Turin, and at his suggestion the duke decided on a regular plan for the coercion of the refractory Protestants. This plan anticipated that employed later by Louis XIV. against the Huguenots in France. The Calvinist ministers were expelled; Protestant books were confiscated and destroyed; the acts of Protestant lawyers and officials were declared invalid. The country was flooded with Jesuits and friars, whose arguments were reinforced by quartering troops, veterans of the Indian wars in Mexico, on the refractory inhabitants. Those whose stubborn persistence in error survived all these inducements to repent were sent into exile. See the article "Franz von Sales" by J. Ehni in Herzog-Hauck, *Realencyklopädie* (3rd ed., Leipzig, 1899).

(W. A. P.)

2 With the title of Nicopolis *in partibus*.—ED.

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**FRANCIS, SIR PHILIP** (1740-1818), English politician and pamphleteer, the supposed author of the *Letters of Junius*, and the chief antagonist of Warren Hastings, was born in Dublin on the 22nd of October 1740. He was the only son of Dr Philip Francis (c. 1708-1773), a man of some literary celebrity in his time, known by his translations of Horace, Aeschines and Demosthenes. He received the rudiments of an excellent education at a free school in Dublin, and afterwards spent a year or two (1751-1752) under his father's roof at Skeyton rectory, Norfolk, and elsewhere, and for a short time he had Gibbon as a fellow-pupil. In March 1753 he entered St Paul's school, London, where he remained for three years and a half, becoming a proficient classical scholar. In 1756, immediately on his leaving school, he was appointed to a junior clerkship in the secretary of state's office by Henry Fox (afterwards Lord Holland), with whose family Dr Francis was at that time on intimate terms; and this post he retained under the succeeding administration. In 1758 he was employed as secretary to General Bligh in the expedition against Cherbourg; and in the same capacity he accompanied the earl of Kinnoul on his special embassy to the court of Portugal in 1760.

In 1761 he became personally known to Pitt, who, recognizing his ability and discretion, once and again made use of his services as private amanuensis. In 1762 he was appointed to a principal clerkship in the war office, where he formed an intimate friendship with Christopher D'Oyly, the secretary of state's deputy, whose dismissal from office in 1772 was hotly resented by "Junius"; and in the same year he married Miss Macrabie, the daughter of a retired London merchant. His official duties brought him into direct relations with many who were well versed in the politics of the time. In 1763 the great constitutional questions arising out of the arrest of Wilkes began to be sharply canvassed. It was natural that Francis, who from a very early age had been in the habit of writing occasionally to the newspapers, should be eager to take an active part in the discussion, though his position as a government official made it necessary that his intervention should be carefully disguised. He is known to have written to the *Public Ledger* and *Public Advertiser*, as an advocate of the popular cause, on many occasions about and after the year 1763; he frequently attended debates in both Houses of Parliament, especially when American questions were being discussed; and between 1769 and 1771 he is also known to have been favourable to the scheme for the overthrow of the Grafton government and afterwards of that of Lord North, and for persuading or forcing Lord Chatham into power. In January 1769 the first of the *Letters of Junius* appeared, and the series was continued till January 21, 1772. They had been preceded by others under various signatures such as, "Candor," "Father of Candor," "Anti-Sejanus," "Lucius," "Nemesis," which have all been attributed, some of them certainly in error, to one and the same hand. The authorship of the *Letters of Junius* has been assigned to Francis on a variety of grounds (see [JUNIUS](#)).

In March 1772 Francis finally left the war office, and in July of the same year he left England for a tour through France, Germany and Italy, which lasted until the following

December. On his return he was contemplating emigration to New England, when in June 1773 Lord North, on the recommendation of Lord Barrington, appointed him a member of the newly constituted supreme council of Bengal at a salary of £10,000 per annum. Along with his colleagues Monson and Clavering he reached Calcutta in October 1774, and a long struggle with Warren Hastings, the governor-general, immediately began. These three, actuated probably by petty personal motives, combined to form a majority of the council in harassing opposition to the governor-general's policy; and they even accused him of corruption, mainly on the evidence of Nuncomar. The death of Monson in 1776, and of Clavering in the following year, made Hastings again supreme in the council. But a dispute with Francis, more than usually embittered, led in August 1780 to a minute being delivered to the council board by Hastings, in which he stated that "he judged of the public conduct of Mr Francis by his experience of his private, which he had found to be void of truth and honour." A duel was the consequence, in which Francis received a dangerous wound (see [HASTINGS, WARREN](#)). Though his recovery was rapid and complete, he did not choose to prolong his stay abroad. He arrived in England in October 1781, and was received with little favour.

Little is known of the nature of his occupations during the next two years, except that he was untiring in his efforts to procure first the recall, and afterwards the impeachment of his hitherto triumphant adversary. In 1783 Fox produced his India Bill, which led to the overthrow of the coalition government. In 1784 Francis was returned by the borough of Yarmouth, Isle of Wight; and although he took an opportunity to disclaim every feeling of personal animosity towards Hastings, this did not prevent him, on the return of the latter in 1785, from doing all in his power to bring forward and support the charges which ultimately led to the impeachment resolutions of 1787. Although excluded by a majority of the House from the list of the managers of that impeachment, Francis was none the less its most energetic promoter, supplying his friends Burke and Sheridan with all the materials for their eloquent orations and burning invectives. At the general election of 1790 he was returned member for Bletchingley. He sympathized warmly and actively with the French revolutionary doctrines, expostulating with Burke on his vehement denunciation of the same. In 1793 he supported Grey's motion for a return to the old constitutional system of representation, and so earned the title to be regarded as one of the earliest promoters of the cause of parliamentary reform; and he was one of the founders of the "Society of the Friends of the People." The acquittal of Hastings in April 1795 disappointed Francis of the governor-generalship, and in 1798 he had to submit to the additional mortification of a defeat in the general election. He was once more successful, however, in 1802, when he sat for Appleby, and it seemed as if the great ambitions of his life were about to be realized when the Whig party came into power in 1806. His disappointment was great when the governor-generalship was, owing to party exigencies, conferred on Sir Gilbert Elliot (Lord Minto); he declined, it is said, soon afterwards the government of the Cape, but accepted a K.C.B. Though re-elected for Appleby in 1806, he failed to secure a seat in the following year; and the remainder of his life was spent in comparative privacy.

Among the later productions of his pen were, besides the *Plan of a Reform in the Election of the House of Commons*, pamphlets entitled *Proceedings in the House of Commons on the Slave Trade* (1796), *Reflections on the Abundance of Paper in Circulation and the Scarcity of Specie* (1810), *Historical Questions Exhibited* (1818), and a *Letter to Earl Grey on the Policy of Great Britain and the Allies towards Norway* (1814). His first wife, by whom he had six children, died in 1806, and in 1814 he married his second wife, Emma Watkins, who long survived him, and who left voluminous manuscripts relating to his biography. Francis died on the 23rd of December 1818. In his domestic relations he was exemplary, and he lived on terms of mutual affection with a wide circle of friends. He was, however, full of vindictiveness, dissimulation and treachery, and there can be little doubt that in his historic conflict with Warren Hastings unworthy personal motives played a leading part.

BIBLIOGRAPHY.—For the evidence identifying Francis with Junius see the article Junius, and the authorities there cited. See also *Memoirs of Sir Philip Francis, with Correspondence and Journals*, by Joseph Parkes and Herman Merivale (2 vols., London, 1867); *The Francis Letters*, edited by Beata Francis and Eliza Keary (2 vols., London, 1901); Sir J.F. Stephen, *The Story of Nuncomar and the Impeachment of Sir E. Impey* (2 vols., London, 1885); Lord Macaulay's *Essay on "Warren Hastings"*; G.B. Malleon, *Life of Warren Hastings* (London, 1894); G.W. Forrest, *The Administration of Warren Hastings, 1772-1785* (Calcutta, 1892); Sir Leslie Stephen's article on Francis in *Dict. of Nat. Biog.* vol. xx.

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**FRANCIS JOSEPH I.** (1830- ), emperor of Austria, king of Bohemia, and apostolic king of Hungary, was the eldest son of the archduke Francis Charles, second son of the reigning emperor Francis I., being born on the 18th of August 1830. His mother, the archduchess Sophia, was daughter of Maximilian I., king of Bavaria. She was a woman of great ability and strong character, and during the years which followed the death of the emperor Francis was probably the most influential personage at the Austrian court; for the emperor Ferdinand, who succeeded in 1835, was physically and mentally incapable of performing the duties of his office; as he was childless, Francis Joseph was in the direct line of succession. During the disturbances of 1848, Francis Joseph spent some time in Italy, where, under Radetzky, at the battle of St Lucia, he had his first experience of warfare. At the end of that year, after the rising of Vienna and capture of the city by Windischgrätz, it was clearly desirable that there should be a more vigorous ruler at the head of the empire, and Ferdinand, now that the young archduke was of age, was able to carry out the abdication which he and his wife had long desired. All the preparations were made with the utmost secrecy; on the 2nd of December 1848, in the archiepiscopal palace at Olmütz, whither the court had fled from Vienna, the emperor abdicated. His brother resigned his rights of succession to his son, and Francis Joseph was proclaimed emperor. Ferdinand retired to Prague, where he died in 1875.

The history of the Dual Monarchy during his reign is told under the heading of **AUSTRIA-HUNGARY**, and here it is only necessary to deal with its personal aspects. The young emperor was during the first years of his reign completely in the hands of Prince Felix Schwarzenberg, to whom, with Windischgrätz and Radetzky, he owed it that Austria had emerged from the revolution apparently stronger than it had been before. The first task was to reduce Hungary to obedience, for the Magyars refused to acknowledge the validity of the abdication in so far as it concerned Hungary, on the ground that such an act would only be valid with the consent of the Hungarian parliament. A further motive for their attitude was that Francis Joseph, unlike his predecessor, had not taken the oath to observe the Hungarian constitution, which it was the avowed object of Schwarzenberg to overthrow. In the war which followed the emperor himself took part, but it was not brought to a successful conclusion till the help of the Russians had been called in. Hungary, deprived of her ancient constitution, became an integral part of the Austrian empire. The new reign began, therefore, under sinister omens, with the suppression of liberty in Italy, Hungary and Germany. In 1853 a Hungarian named Lebenyi attempted to assassinate the emperor, and succeeded in inflicting a serious wound with a knife. With the death of Schwarzenberg in 1852 the personal government of the emperor really began, and with it that long series of experiments of which Austria has been the subject. Generally it may be said that throughout his long reign Francis Joseph remained the real ruler of his dominions; he not only kept in his hands the appointment and dismissal of his ministers, but himself directed their policy, and owing to the great knowledge of affairs, the unremitting diligence and clearness of apprehension, to which all who transacted business with him have borne testimony, he was able to keep a very real control even of the details of government.

The recognition of the separate status of Hungary, and the restoration of the Magyar constitution in 1866, necessarily made some change in his position, and so far as concerns Hungary he fully accepted the doctrine that ministers are responsible to parliament. In the other half of the monarchy (the so-called Cisleithan) this was not possible, and the authority and influence of the emperor were even increased by the contrast with the weaknesses and failures of the parliamentary system. The most noticeable features in his reign were the repeated and sudden changes of policy, which, while they arose from the extreme difficulty of finding any system by which the Habsburg monarchy could be governed, were due also to the personal idiosyncrasies of the emperor. First we have the attempt at the autocratic centralization of the whole monarchy under Bach; the personal influence of the emperor is seen in the conclusion of the Concordat with Rome, by which in 1855 the work of Joseph II. was undone and the power of the papacy for a while restored. The foreign policy of this period brought about the complete isolation of Austria, and the "ingratitude" towards Russia, as shown during the period of the Crimean War, which has become proverbial, caused a permanent estrangement between the two great Eastern empires and the imperial families. The system led inevitably to bankruptcy and ruin; the war of 1859, by bringing it to an end, saved the monarchy. After the first defeat Francis Joseph hastened to Italy; he commanded in person at Solferino, and by a meeting with Napoleon arranged the terms of the peace of Villafranca. The next six years, both in home and foreign policy, were marked by great vacillation. In order to meet the universal discontent and the financial difficulties constitutional government was introduced; a parliament was established in which all races of the empire were represented, and in place of centralized despotism was established Liberal centralization under Schmerling and the German Liberals. But the Magyars refused to send representatives to the central parliament; the Slavs, resenting the Germanizing policy of the

government, withdrew; and the emperor had really withdrawn his confidence from Schmerling long before the constitution was suspended in 1865 as a first step to a reconciliation with Hungary. In the complicated German affairs the emperor in vain sought for a minister on whose knowledge and advice he could depend. He was guided in turn by the inconsistent advice of Schmerling, Rechberg, Mensdorff, not to mention more obscure counsellors, and it is not surprising that Austria was repeatedly outmatched and outwitted by Prussia. In 1863, at the *Fürstentag* in Frankfort, the emperor made an attempt by his personal influence to solve the German question. He invited all the German sovereigns to meet him in conference, and laid before them a plan for the reconstruction of the confederation. The momentary effect was immense; for some of the halo of the Holy Empire still clung round the head of the house of Habsburg, and Francis Joseph was welcomed to the ancient free city with enthusiasm. In spite of this, however, and of the skill with which he presided over the debates, the conference came to nothing owing to the refusal of the king of Prussia to attend.

The German question was settled definitively by the battle of Königgrätz in 1866; and the emperor Francis Joseph, with characteristic Habsburg opportunism, was quick to accommodate himself to the new circumstances. Above all, he recognized the necessity for reconciling the Magyars to the monarchy; for it was their discontent that had mainly contributed to the collapse of the Austrian power. He had already, in 1859, as the result of a visit to Budapest, made certain modifications in the Bach system by way of concession to Magyar sentiment, and in 1861 he had had an interview with Deák, during which, though unconvinced by that statesman's arguments, he had at least assured himself of his loyalty. He now made Beust, Bismarck's Saxon antagonist, the head of his government, as the result of whose negotiations with Deák the Austro-Hungarian Compromise of 1867 was agreed upon. A law was passed by the Hungarian diet regularizing the abdication of Ferdinand; at the beginning of June Francis Joseph signed the inaugural diploma and took the oath in Magyar to observe the constitution; on the 8th he was solemnly crowned king of Hungary. The traditional coronation gift of 100,000 florins he assigned to the widows and orphans of those who had fallen in the war against Austria in 1849.

Once having accepted the principle of constitutional government, the emperor-king adhered to it loyally, in spite of the discouragement caused by party struggles embittered by racial antagonisms. If in the Cisleithan half of the monarchy parliamentary government broke down, this was through no fault of the emperor, who worked hard to find a *modus vivendi* between the factions, and did not shrink from introducing manhood suffrage in the attempt to establish a stable parliamentary system. This expedient, indeed, probably also conveyed a veiled threat to the Magyar chauvinists, who, discontented with the restrictions placed upon Hungarian independence under the Compromise, were agitating for the complete separation of Austria and Hungary under a personal union only; for universal suffrage in Hungary would mean the subordination of the Magyar minority to the hitherto subject races. For nearly forty years after the acceptance of the Compromise the attitude of the emperor-king towards the Magyar constitution had been scrupulously correct. The agitation for the completely separate organization of the Hungarian army, and for the substitution of Magyar for German in words of command in Hungarian regiments, broke down the patience of the emperor, tenacious of his prerogative as supreme "war lord" of the common army. A Hungarian deputation which came to Vienna in September 1905 to urge the Magyar claims was received ungraciously by the emperor, who did not offer his hand to the members, addressed them in German, and referred them brusquely to the chancellor, Count Goluchowski. This incident caused a considerable sensation, and was the prelude to a long crisis in Hungarian affairs, during which the emperor-king, while quick to repair the unfortunate impression produced by his momentary pique, held inflexibly to his resolve in the matter of the common army.

In his relations with the Slavs the emperor displayed the same conciliatory disposition as in the case of the Magyars; but though he more than once held out hopes that he would be crowned at Prague as king of Bohemia, the project was always abandoned. In this, indeed, as in other cases, it may be said that the emperor was guided less by any abstract principles than by a common-sense appreciation of the needs and possibilities of the moment. Whatever his natural prejudices or natural resentments, he never allowed these to influence his policy. The German empire and the Italian kingdom had been built up out of the ruins of immemorial Habsburg ambitions; yet he refused to be drawn into an alliance with France in 1869 and 1870, and became the mainstay of the Triple Alliance of Austria-Hungary, Germany and Italy. His reputation as a consistent moderating influence in European policy and one of the chief guarantors of European peace was indeed rudely shaken in October 1908, the year in which he celebrated his sixty years' jubilee as emperor, by the issue of the imperial recript annexing Bosnia and Herzegovina to the Habsburg dominions, in violation of the terms of the treaty of Berlin. But his opportunism was again justified by the result. Europe lost an ideal; but Austria

gained two provinces.

In his private life the emperor was the victim of terrible catastrophes—his wife, his brother and his only son having been destroyed by sudden and violent deaths. He married in 1854 Elizabeth, daughter of Maximilian Joseph, duke of Bavaria, who belonged to the younger and non-royal branch of the house of Wittelsbach. The empress, who shared the remarkable beauty common to all her family, took little part in the public life of Austria. After the first years of married life she was seldom seen in Vienna, and spent much of her time in travelling. She built a castle of great beauty and magnificence, called the Achilleion, in the island of Corfu, where she often resided. In 1867 she accompanied the emperor to Budapest, and took much interest in the reconciliation with the Magyars. She became a good Hungarian scholar, and spent much time in Hungary. An admirable horsewoman, in later years she repeatedly visited England and Ireland for the hunting season. In 1897 she was assassinated at Geneva by an Italian anarchist; previous attempts had been made on her and on her husband during a visit to Trieste.

There was one son of the marriage, the crown prince Rudolph (1857-1889). A man of much ability and promise, he was a good linguist, and showed great interest in natural history. He published two works, *Fifteen Days on the Danube* and *A Journey in the East*, and also promoted illustrated work giving a full description of the whole Austro-Hungarian monarchy; he personally shared the labours of the editorial work. In 1881 he married Stéphanie, daughter of the king of the Belgians. On 30th January 1889 he committed suicide at Mayerling, a country house near Vienna. He left one daughter, Elizabeth, who was betrothed to Count Alfred Windischgrätz in 1901. In 1900 his widow, the crown princess Stéphanie, married Count Lonyay; by this she sacrificed her rank and position within the Austrian monarchy. Besides the crown prince the empress gave birth to three daughters, of whom two survive: Gisela (born 1857), who married a son of the prince regent of Bavaria; and Marie Valerie (born 1868), who married the archduke Franz Salvator of Tuscany.

See J. Emmer. *Kaisser Franz Joseph* (2 vols., Vienna, 1898); J. Schnitzer, *Franz Joseph I. und seine Zeit* (2 vols., *ib.*, 1899); *Viribus unitis. Das Buch vom Kaiser*, with introduction by J.A. v. Halfert, ed. M. Herzig (*ib.*, 1898); R. Rostok, *Die Regierungszeit des K. u. K. Franz Joseph I.* (3rd ed. *ib.*, 1903).

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