

Chapter 1

Conception

How to Imagine a Preexisting, Voluntarist Nation



Introduction

The paradox of conception flows from the need to be able to imagine the nation in order to articulate nation-based arguments and build nation-based states. This need is paradoxical because national identity is often, and even usually, forged by state and other administrative institutions. However, a logically coherent account of national self-determination ends up having to imagine nations as existing separately from, and prior to, states. In this sense, the paradox of conception forms the very basis of the nation-state principle: that is, the idea that nations are sufficiently independent of state institutions to serve as separate and authoritative guides to political and territorial legitimacy.

During the eighteenth century in France, the concept of the nation provided political challengers with a source of legitimacy that they could uphold as separate from the monarch—the cornerstone of the logic behind nationalist claims. The largely unprecedented consolidation of authority under Louis XIV prompted the Parisian and provincial *parlements*, aristocratic law courts, to guard their prerogatives jealously, and even to seek to extend them in a series of public power struggles with the king, as explored in chapter two. The resulting debates confirmed and entrenched the resonance of the idea of the nation as a basis for political claims.

Political actors seeking greater influence within and beyond existing institutions first had to challenge the self-referential and self-justifying quality of monarchical rule. They did this by developing and relying on the idea of the nation in a partially self-conscious and largely need-driven series of rhetorical challenges to the exclusive authority of the king. Early references to the “nation” evoked two related ideas: first, an embryonic notion of the French population as a rights-bearing (if passive) constituency, and second, a more abstract vision of the nation as a transcendent source of political authority and legitimacy that the king could no longer claim exclusively to embody or to represent. These ideas foreshadowed later French Revolutionary rhetoric and resonate in nation-based rhetoric today.

Two bodies of thought illustrate the contours of this evolving concept of the nation: definitions of the nation and its correlates in serious and in satirical works (section 1.1), and contractarian ideas about the basis of legitimate political authority (section 1.2). Both of these strands of argument were intertwined with concrete power struggles. Tracing them separately allows a focus on the paradox of conception: the difficulty of conceiving of a pre-political entity without reference to institutions, especially if that entity is envisaged as voluntarist. While this ambiguity could have rendered nationalist claims more precarious and less convenient, it in fact contributed to the expediency and popularity of the nation as a political platform, as chapter two explores in more detail.

1.1 Conceptions of the Nation in Eighteenth-Century Polemical Dictionaries

Dictionary definitions, while not always reliable indicators of popular understandings, nevertheless provide an illustrative starting point for analyzing eighteenth-century French ideas of nationhood.¹ This is especially true of Revolutionary dictionaries, which offer a rich body of political commentary. Many of these dictionaries have been preserved in the microfiche collection of the French National Archives in Paris. The following discussion is based on a systematic, though not exhaustive, review of these dictionaries, which provide rich illustrations of the evolution of political concepts during the pre-Revolutionary and Revolutionary period.

Upheaval in political concepts and vocabulary during the mid- to late-eighteenth century presaged and accompanied the transformation of political institutions. The popularity of the satirical dictionary as a vehicle

for political debate underscores the connection between linguistic and political instability and change. The change in everyday language was palpable. Contemporaries observed:

on ne parle plus que des *droits et des intérêts de la Nation* [we now speak of nothing else but the *rights and interests of the Nation*];² never have the words “nation” and “state” been as frequently used as they are today. . . . These two terms were never uttered under Louis XIV; even the idea of them was lacking. We have never been so aware as we are today of the rights of the nation and of liberty.³

This chapter explores the development of the concept of the nation and its implications for the foundations of political legitimacy in France.

Although providing a coherent chronological account of the evolution of the term “nation” is complicated by the concurrent use of conflicting and imprecise definitions (a problem that persists to the present day), general and important changes can be traced. The early, absolutist definition of the nation associated with the reign of Louis XIV was fairly straightforward. The word was relatively rarely used, since it was considered basically synonymous with both the monarch and the state: “The Crown, the State and the Nation were but three words for the same thing.”⁴ The king was both the sovereign lawmaking power and the embodiment of the kingdom as a whole. The medieval slogan “[*Si veut le roy, si veut la loy*]” (what the king desires, so commands the law) equated the king’s will with the law of the land.⁵ This did not imply that the king could arbitrarily impose his personal will: rather, it affirmed that the law, understood as a transcendent principle of social order, would by definition be in harmony with and express itself through the will of the monarch.⁶ As Nannerl Keohane suggests, “absolutist theory makes the state constitutive of social order and unity in a very direct way. . . . The ordering authority of the king literally holds the nation together.”⁷ The symbolic identity between king and nation meant that there was little need to identify any additional constitutive or cohesive principle for the French polity, other than the king himself.

Political power struggles between the king and the *parlements* contributed to the increasing conceptual independence of the nation, an entity distinct from both the king and the state. This process was gradual. When Denis Diderot and Jean le Rond d’Alembert’s *Encyclopédie, ou Dictionnaire raisonné des sciences, des arts et des métiers, par une Société de Gens de lettres*, a massive reference work and chronicle of Enlightenment ideas, was compiled in the 1750s and 1760s, the idea of the nation as distinct

from the state had not yet emerged fully.⁸ According to the *Encyclopédie*, the state is not merely an administrative structure, but rather “une société d’hommes vivant ensemble sous un gouvernement quelconque, heureux ou malheureux” (a society of men living together under whichever government, happy or unhappy).⁹ The state seems indistinguishable from the nation, a not-yet-popularized “mot collectif dont on fait usage pour exprimer une quantité considérable de peuple, qui habite une certaine étendue de pays, renfermée dans de certaines limites, & qui obéit au même gouvernement” (collective word used to denote a large quantity of people that inhabits a particular stretch of land, enclosed within certain limits, & that obeys the same government).¹⁰ Each nation possesses certain characteristic traits, giving each one the potential to serve as a more central and resonant identity platform (a feature that would take on increasing importance as the century progressed). But the nation is still defined in the *Encyclopédie* by the territorial and administrative unity created by the state (“& that obeys the same government”), preventing it from playing an independent legitimating role.

While the term “nation” first referred to essentially the same thing as the state, it was gradually appropriated to designate a group of people independent of its governmental structures. The difference between the 1694 and 1740 versions of the *Dictionnaire de l’Académie française* is instructive on this point. The 1694 version lists “nation” under the entry for *Naître* (to be born), defining it as “un terme collectif. Tous les habitants d’un même Etat, d’un même pays, qui vivent sous les mêmes lois, et usent de la même langue” (a collective term. All the inhabitants of one and the same State, one and the same country, who live under the same laws, and use the same language).¹¹ By 1740, “nation” has its own entry, with an added qualification:

Se dit aussi des habitants d’un même pays, encore qu’ils ne vivent sous les mêmes lois, et qu’ils soient sujets à différents princes. Ainsi quoique l’Italie soit partagée en divers Etats et en divers gouvernements, on ne laisse pas de dire la *nation italienne*. [Also used to speak of the inhabitants of one and the same land, even if they do not live under the same laws, and are subjects of different princes. So even though Italy is divided into different States and into various governments, we do not stop saying the *Italian nation*.]¹²

The use of the word “pays” in the 1694 definition as a synonym for the state, and its use in the 1740 definition to mean a territorially defined population *without* the administrative element, illustrates the shifting nature

of these terms. The close connection between *naître* and *nation* emphasizes the familial bonds at the heart of the concept of nationhood, bonds that even voluntarist conceptions seek to create through an actual or hypothetical act of collective will.

This 1740 definition preceded the *Encyclopédie*'s more state-based definition of the nation, and it focused more on informal usage than on political terminology. Such gradual shifts in vocabulary accompanied and underpinned shifts in political understandings. It is also not entirely clear whether the key principle of national differentiation in this 1740 definition is territory (Italy) or culture (Italian). Either way, this 1740 definition suggests that states and nations are not inherently congruent, and that something other than existing governmental structures could be used to delineate national boundaries. This conceptual separation creates the potential for the principle of national self-determination to serve as a basis for establishing—and challenging—the political authority and boundaries of states.

Almost two centuries later, French legal scholar Léon Duguit described the relationship between nation and state in a nation-statist framework in his 1921 *Traité de droit constitutionnel*:

La nation est le titulaire originaire de la souveraineté. La nation est une personne, avec tous les attributs de la personnalité, la conscience et la volonté. La personne *nation* est, en réalité, distincte de l'État; elle lui est antérieure; l'État ne peut exister que là où il y a une nation; et la nation peut subsister même quand l'État n'existe plus ou n'existe pas encore. [The nation is the original holder and source of sovereignty. The nation is a person, with all the attributes of personality, conscience, and will. The person *nation* is, in reality, distinct from the State; it is anterior to it (the State); the State cannot exist except where there is a nation; and the nation can subsist even when the State no longer exists or does not yet exist.]¹³

This definition illustrates the implications of conceiving of the nation as prior to and independent of the state. Instead of the nation relying on the state, the state relies on the nation—even if the nation is not clearly defined and serves a more abstract, rather than empirical, legitimating function. During the eighteenth century, the emergence of a new political vocabulary both signaled and fueled the transformation of ideas about the legitimate foundations of states, with the implications seen in Duguit's 1921 definition.

Popular definitions of the nation from the French Revolutionary period, identified in dictionaries found in the microfiche collection of the

National Archives, reveal that the nation could be seen as either benevolent or dangerous. Both sympathetic and critical definitions highlight the nation's centrality as a legitimating principle and a justification for political action. In 1789, the *Catéchisme national* was published under the auspices of the *Imprimerie des bons Citoyens* (Good Citizens' Publishing House). Pamphlet literature in the form of catechisms was common, serving the same purposes of clarification and political commentary as the polemical dictionaries. The 1789 *Catéchisme national* included the following dialogue:

- D. Comment appelle-t-on une société qui s'est donné un chef, & soumise à des loix?
- R. On l'appelle nation, peuple. Ainsi on dit, la *nation française*, le *peuple françois*.
- D. Qu'est-ce donc qu'une nation?
- R. Une nation est une société d'hommes libres qui vivent sous un même chef, ou plusieurs chefs qu'ils se sont donnés volontairement, pour ne faire qu'un seul & même corps dont l'ame [*sic*] sont les loix par lesquelles ils prétendent être gouvernés.
- [Q. What does one call a society that has given itself a leader, and submitted itself to laws?
- A. One calls it nation, people. So we say, the *French nation*, the *French people*.
- Q. What then is a nation?
- A. A nation is a society of free men who live under the same leader or several leaders that they have voluntarily given themselves, so as to form but one and the same body whose spirit is the laws by which they say they are governed.]¹⁴

This dialogue is noteworthy as an example of the definition and propagation of new political terms in a self-consciously religious idiom. Although the nation here can be recognized by its political unity ("who live under the same leader"), this unity is based on a preexisting, nonpolitical grouping (the "society" referenced above logically must exist before it can choose leaders and submit itself to laws). In this account, social cohesion and unity do not depend on the prior existence of a common government. This catechism emphasizes freedom, the voluntary selection of leaders, and the "submission" to laws rather than to leaders, illustrating a voluntarist and contingent relationship between governor and governed. The greater the emphasis on voluntary choice, the greater the political leverage that could be exercised in the name of the nation to challenge existing political arrangements.

The Revolutionary idea of the nation was thus associated with new political expectations and a new self-conception, which it both fueled and symbolized. A contemporary definition of this term by journalist Pierre-Nicolas Chantreau highlights the connection between language, self-conception, and self-creation:

[C]ertes, avant le 17 juillet 1789, il n’y avoit jamais eu de Parisien qui se fût avisé de crier *vive la nation* en voyant passer les grands carrosses à huit chevaux, qui venoient de temps en temps de Versailles pour aller à Notre-Dame ou au palais. Mais . . . les langues se modifient et prennent le caractere [*sic*] des peuples; ainsi *nation* a signifié tout parmi nous, dès l’instant que nous avons été réellement une nation. [Certainly, before 17 July 1789, there had never been any Parisian bold enough to cry *long live the nation* upon seeing the great eight-horse carriages go by, that came from time to time from Versailles to go to Notre-Dame or to the palace. But . . . languages change and take on the character of peoples; so *nation* signified everything among us, from the instant that we had really become a nation.]¹⁵

At this early stage in the Revolution, the cry “long live the nation” at the passage of the king heralded him as an agent of the nation, rather than its competitor or even adversary. The nation was emerging as a new source of allegiance and identity, challenging the absolutist model. Chantreau’s definition goes on to note the obsolescence of expressions such as “good of the state,” “state interest,” and “to serve the state,” an observation that would have made Cardinal Richelieu, Louis XIII’s chief minister and infamous exponent of the doctrine of *raison d’état*, turn in his grave.

The process of consolidating the self-image of the French people as a nation was reflected in and enhanced by the use of the adjective “national.” Chantreau’s dictionary defines this word, wryly emphasizing its pervasiveness:

adjectif qui qualifie tout ce qui appartient à la nation; or, tout appartient à la nation, donc tout est national. Aussi depuis la révolution notre maniere [*sic*] d’être physique et morale est devenue entièrement [*sic*] nationale; notre costume, depuis la cocarde jusqu’aux boucles, et [*sic*] national; rien ne paroît sur la toilette de nos dames [qui] ne soit national; chapeau national, ceinture nationale, jusqu’au rouge est national. Notre façon de penser, Dieu sait comme elle est nationale! et nos écrits sont comme nos pensées. [adjective that qualifies all that belongs to the nation; moreover, everything belongs to the nation, so everything is national. Also since the revolution our physical and

moral way of being has become entirely national; our attire, from the cockade down to the buckles, is national; nothing appears in our ladies' dress that is not national; national hat, national belt, all the way to their rouge is national. Our way of thinking, Lord knows how national it is! and our written works are like our thoughts.]¹⁶

This statement illustrates just how all-encompassing the Revolutionary idea of the nation could become. (Corroborating Chantreau's impression, the permanent exhibit on the French Revolution at the Musée Carnavalet, Paris, displays everything from dinnerware painted with Revolutionary mottoes to trunks with locks sculpted in the shape of the Bastille.) Even in personal matters such as a person's way of being, thinking, and dressing, the concept of the nation was omnipresent. Chantreau's commentary testifies to the role of language and symbols in forging a national consciousness that can manifest itself even in the mundane activities of daily life.

Despite widespread agreement on the importance of this changing vocabulary, some commentators voiced skepticism about the viability of the nation as a guide for creating political institutions. One anonymous dictionary author devotes several pages to the concept of the nation, but seems equivocal about its political utility. He (or she) explicitly affirms the contractarian account of the origins of society and government: individuals in the state of nature join together in order to protect themselves and to enjoy freedom as members of a common community. But he questions how a person could at once have a private will and be part of a unified body, insisting that this could only work within a very small group of people and that, as soon as a leader began to act out of private rather than public interest, the association would dissolve back into the state of nature.¹⁷ Through such critiques, pamphleteers pinpointed the more problematic aspects of Rousseauian and Revolutionary thought.

Skepticism could engender outright cynicism and even protest. A 1792 dictionary by André-Quentin Buée was incisive in its critique of the concept of *Souveraineté de la Nation* (National Sovereignty):

La volonté d'un individu réel est une et indivisible. Quand je verrai une telle volonté exister, non pas métaphysiquement, mais réellement, mais physiquement dans cette masse qu'on appelle *la nation française*, alors je reconnoîtrai en elle une souveraineté réelle. . . . [M]es amis, n'ayez pas peur; vous aurez long-tems [*sic*] votre roi, si vous le conservez jusqu'à ce qu'on voie vingt-cinq millions de têtes sous un même bonnet. [The will of a real individual is one and indi-

visible. When I see such a will exist, not metaphysically, but really, but physically in this mass that is called *the French nation*, then I will recognize a real sovereignty in it. . . . My friends, fear not; you will have your king for a long time yet, if you keep him until we see twenty-five million heads fit under the same cap.]¹⁸

This critique highlights the appeal of the monarchical conception of governmental legitimacy, namely, the ability to equate the monarch's will with the will of the nation. The problem of a "divisible" will arises when a "real individual" can no longer be thought of as embodying sovereign authority. Discerning a national will capable of providing a basis for political decision making remains a perennial problem for nonauthoritarian regimes. For Buée, the ability to identify a national will capable of fitting "under the same cap" required an unrealistic degree of uniformity among the "mass" of individuals comprising the would-be French nation. This raises a central—and unresolved—question: How much uniformity is required to ensure cohesion, commitment, and compliance in a nation-state? For Buée, the answer was clearly: more uniformity than existed in eighteenth-century France.

Despite Buée's (and others') incredulity, the nation did in time replace the king, first conceptually and then constitutionally. In September 1789, a new slogan—"*la Nation, la Loi, le Roi*"—captured this transition, and enshrined the primacy of the nation as a principle of cohesion, object of allegiance, and source of legitimate authority. An earlier slogan had used the term "*une foi*" (one faith) instead of "*la Nation*." Eventually, the idea of the nation became the new social cement, and the focus of a "secular religion."¹⁹

Even the king's own statements indicate a consciousness of the evolving distinction between the monarch and the nation, and the political implications of this development. At the height of the absolute monarchy, the king was viewed as embodying three other "potential" entities: the state (territory plus administrative structure), the nation (the population conceived of in an abstract but administratively defined fashion), and the people (his actual subjects). A conceptual distinction between these categories was precluded by definition. Louis XIV was famous for allegedly declaring, *l'État, c'est moi* (I am the State); he further insisted: "la nation ne fait pas corps en France. Elle réside toute entière dans la personne du roi" (the nation has no body in France. It resides entirely in the king's person).²⁰ By 1766, Louis XV could not simply assert his authority as had his predecessor, but instead felt compelled to defend it:

As if anyone could forget that the sovereign power resides in my person only . . . , that public order in its entirety emanates from me and that the rights and interests of the nation, which some dare to regard as a separate body from the monarch, are necessarily united with my rights and interests, and repose only in my hands.²¹

In insisting that the nation's interests were united with his and depended on him, Louis XV contributed to the very conceptual distinction that he was trying to negate.²² His successor Louis XVI did the same, prefacing a declaration of October 4, 1789, with the words: "dans un moment où nous invitons la Nation à venir au secours de l'État" (at a moment when we are inviting the Nation to come to the rescue of the State).²³ Louis XIV's statement "I am the State" was meant to be an assertion of total power, but had Louis XVI uttered this same phrase during the Revolution, it would have been construed as overreaching. The nation could be invoked to bolster the state, but it could also be used to check it. This was the first step on the path to the nation becoming the state's very basis.

The process of conceptual disaggregation did not end with the distinction between nation and state. As explored in chapter two, the king was also separated from the state such that the representatives of the nation could control and eventually depose him.²⁴ The centrality of the nation implied the superfluity of the king:

Par-delà les rois et les dynasties mêmes, . . . s'établit une permanence appelée le peuple ou la nation. Les rois et les dynasties peuvent disparaître; la nation demeure. . . . D'Holbach, dans *Le Système social* [1773], résume la pensée du siècle: ". . . Il est évident que ce ne sont pas les Rois qui font les nations, mais que c'est le consentement des nations qui fait les Rois. Une nation peut sans Roi être très bien gouvernée, mais un Roi ne peut ni exister, ni gouverner sans nation." [A permanent force called the people or the nation establishes itself over and above kings and even dynasties. . . . Kings and dynasties can disappear; the nation remains. . . . D'Holbach, in *The social system*, sums up the century's thought: ". . . It is evident that it is not Kings who make nations, but that it is the consent of nations that makes Kings. A nation can be very well governed without a King, but a King can neither exist, nor govern without a nation."]²⁵

This view was directly opposed to that of Jacob Nicolas Moreau, the king's historian, who insisted in 1789: "Sans le roi point de nation" (With-

out the king, no nation).²⁶ A dividing line arose between those who championed the primacy of the nation and those who continued to view the nation as subsumed by, and dependent on, the king.

The concept of the *patrie*, related to that of the nation, was also at stake in this semantic struggle. Historian Henri Hauser suggested in 1916 that the idea of the *patrie* “resulted from the dissociation of the idea of the king from the idea of the nation.”²⁷ While the word *patrie* appeared in French in the mid-sixteenth century, and the word *patriote* a century later, they did not become central to political vocabulary until the pre-Revolutionary period.²⁸ The Abbé Gabriel-François Coyer published a treatise devoted to reviving the concept of *patrie* in 1755, in which he wrote: “J’interroge ce citoyen qui marche toujours armé: Quel est votre emploi? *Je sers le Roi*, me dit-il, pourquoi pas la *Patrie*? Le Roi lui-même est fait pour la servir” (I ask this citizen who always walks armed: “What is your occupation?” *I serve the King*, he tells me. “Why not the *Patrie*? The King himself was created to serve it”).²⁹ For Coyer, as for many others, political experience and political language are closely connected. Coyer wrote: “Il s’agit donc ici de ressusciter l’idée pour rétablir le mot” (It is thus a question here of resuscitating the idea in order to reestablish the word).³⁰ For Coyer, the words “France,” “State,” and “Kingdom” were inadequate to express the idea of the *patrie* as a union constituted by a paternal bond between ruler and ruled. The *patrie* is characterized by social unity, “fellow-feeling,” respect for the human race, freedom, and harmony. Only in a country with all the required characteristics does the term *patrie* have any meaning; indicating its absence from France was itself a form of political critique.

Above all, the *patrie* is antithetical to all forms of despotism, though not necessarily to monarchy. Jean de La Bruyère, author and tutor in the house of Louis II de Bourbon, prince de Condé, had already written in the late seventeenth century that “[i]l n’y a point de patrie dans le despotique; d’autres choses y suppléent: l’intérêt, la gloire, le service du prince” (there is no *patrie* in that which is despotic; other things take its place: interest, glory, service to the prince).³¹ The remedy is not necessarily to eliminate the monarch, but simply to ensure good governance: “[faire] d’une cour, et même de tout un royaume, comme une seule famille, unie parfaitement sous un même chef, dont l’union et la bonne intelligence est redoutable au reste du monde” (to make of a court, and even of a whole kingdom, one single family, perfectly united under the same leader, whose union and good intelligence are formidable to the rest of the world).³² The idea of *patrie* is connected to that of political unity: unlike nation, *patrie* does not appear to have taken on a nonpolitical meaning. However, it did acquire

a Revolutionary charge derived from its emphasis on freedom. In his 1765 article on “*patrie*” in the *Encyclopédie*, the philosopher Louis, chevalier de Jaucourt, emphasized the impossibility of having a *patrie* under “the yoke of despotism,” noting that a *patrie* is only possible in democracies where individuals put the public interest ahead of their own.³³ Support for the *patrie* became antimonarchical once the king himself became perceived as a threat to the freedom of the nation, with which he was no longer equated.

The widespread view of the *patrie* as inextricably linked to freedom did not go uncontested, highlighting the politicization of vocabulary and the partisan implications of competing definitions. André-Quentin Buée, the satirical lexicographer cited above, wrote of *patriotisme*:

Les grammairiens disent, que *c'est le courage de sacrifier son intérêt particulier à sa patrie.*

Les historiens qui se proposent d'écrire l'histoire de la révolution, disent, que c'est maintenant *le courage de sacrifier sa patrie à son intérêt particulier.*

J'aime sincèrement ma patrie; ce qui le prouve, c'est que je n'ai pas encore un seul acte de patriotisme à me reprocher.

[Grammarians say that (patriotism) is *the courage to sacrifice one's particular interest for one's patrie.*

Historians who intend to write the history of the revolution say that it is now *the courage to sacrifice one's patrie for one's particular interest.*

I sincerely love my *patrie*; the proof is that I do not yet have a single act of patriotism with which to reproach myself.]³⁴

Struggles over semantics also involved attempts to appropriate words for conflicting political purposes. The *patrie* might be antithetical to despotism but, for some, Revolutionary despotism was the worst form of tyranny.

By the time of the Revolution, the nation was poised to become the central platform for claims to political legitimacy and territorial control. This was reflected in the terms for crimes of treason. Historian Beatrice Hyslop, who undertook a major study of Revolutionary *cabiers de doléances* (booklets of grievances) in 1934, notes:

The traditional term for treason was *lèse-majesté*. The changing psychology and sentiments were illustrated by the use of five other terms in the cahiers of 1789: *crime d'état*, *lèse-nation*, *lèse-patrie*, *lèse-liberté*, and *lèse-humanité*. . . . In all of these cases, treason was no

longer action against the monarch, but against the rights and interests of the French people. For such cahiers, patriotism clearly was loyalty to the nation.³⁵

In his 1792 dictionary, Buée laments: “L’amour des François pour leurs rois est devenu un crime de lèze-nation” (The love of the French for their kings has become a crime of treason against the nation).³⁶ The nation and the king were increasingly construed as antithetical. “Loyalty to the nation” became the litmus test for political and social acceptability, as explored further in the chapters on constitution and composition below.

Semantic debates such as those traced above confirmed the centrality of new and revived concepts such as “nation” and “*patrie*.” The Revolutionary account of the relationship between king and nation, and its expression in political vocabulary, ultimately defined the criteria for political authority and allegiance in France. This, in turn, contributed to the development of a nation-based conception of the political and territorial legitimacy of states as members of international society.

1.2 Conceptions of the Nation in Social Contract Theories

Although monarchical authority was not challenged directly until late in the eighteenth century, Enlightenment thinkers drew a sharp distinction early on between absolute and arbitrary rule, only the first of which was deemed legitimate. Support for monarchy in general did not entail unconditional support for the king. This implied the existence of some alternative standard of action besides the king’s own wishes, embodied in the idea of “fundamental laws” that circumscribed the operation of a monarchy guided by reason.³⁷ The fundamental laws formed part of a rudimentary contract circumscribing the actions of the king, the foundation for a conditional view of his political mandate.

The emerging distinction between the nation and the king created the possibility for the popular or national will to contradict that of the monarch. The development and popularization of contractualist theories reinforced this conceptual separation and enhanced the potential for conflict. The emphasis on governmental accountability implicit in contractual ideas required the identification of separate contracting parties. The king went from being the embodiment of the French territory and administration to a functionary charged with its preservation;³⁸ the people or nation emerged as the entity to which he was accountable. Contractualist theories propagated by the *parlements* in their struggle for power created the

nation as a political actor with rights that could be opposed to those of the king.³⁹ This had the subsidiary effect of suggesting a further distinction between the king as a functionary and the state as a territorially specific administrative structure, introducing the possibility of a king-less state.

The appeal to a contract between rulers and ruled as the basis for legitimate government assumes the existence of a separate nation as a contracting party. Whether a particular contractarian doctrine invoked the “people,” the “nation,” or “society” in general, the core idea of a group of individuals existing—or at least conceivable—separate from its political institutions, and thus possessing the potential to challenge these institutions, was a crucial development in political thought. This section explores this implicit premise of social contract theory as a framework for articulating and justifying nation-based claims. The contractualist model of the state, in which a people chooses its government, seems maximally consistent with the voluntarist model of nationhood, in which individuals choose their national membership. The question of what factors can best ensure cohesion, commitment, and compliance in such a nation-state remains central to contemporary nation-building projects that are grounded, at least in theory, in conceptions of political authority that seek to maximize individual choice.

Hints of a possible contractual relationship between the king and the nation can be detected in French political rhetoric before the eighteenth century. For example, in 1527, the president of the *parlement* of Paris used a marriage metaphor to describe the relationship between the king and the realm, “predicat[ing] the duration of that fictive espousal upon the monarch’s successful maintenance of French Public Law.”⁴⁰ Such conditionality was also implicit in the notion of the king as charged with upholding France’s fundamental laws. The contractual paradigm made this agreement explicit, creating the conditions for the king’s potential forfeiture of public power.

Contractualist logic contributed to an emerging view of sovereignty as residing in the nation rather than the king, with the king only provisionally invested with the executive power and susceptible to censure for violations of the public trust. Bordeaux lawyer Guillaume-Joseph Saige explained in his 1788 *Catéchisme du citoyen*:

Toute aliénation, permanente ou passagère, du pouvoir social se trouve également opposée aux droits de l’homme & à la nature du corps politique. . . . Il suit de ce raisonnement, que le pouvoir souverain est inséparable du corps du peuple; qu’il ne peut en sortir dans aucune circonstance; & que l’aliéner, c’est le détruire, violer le

pacte social, & dissoudre le corps politique. [Any alienation, permanent or passing, of the social power is equally opposed to the rights of man and to the nature of the political body. . . . It follows from this reasoning that the sovereign power is inseparable from the body of the people; that it cannot depart from this body under any circumstances; and that to alienate it is to destroy it, to violate the social compact, and to dissolve the political body.]⁴¹

Locating the sovereign power in the “body of the people” rather than the body of the king meant that the king could no longer claim to hold the nation together. The king was no longer constitutive of the nation, making his position more precarious.

The central innovation of the contractual paradigm was the notion of the nation itself as the source of the monarch’s legitimacy, conferred through an original act of consent. This consent also entailed an ongoing right of the nation to monitor the government, if not to participate in it. The nation became a political subject, rather than just the object of laws.⁴² The contractual paradigm per se did not ensure the self-sufficiency of the nation, but it did create a powerful metaphor for the conditional nature of the king’s authority, introducing the potential for the nation to revoke the king’s claim to legitimate control. Different contractual models attribute different degrees of independence to the nation as a conceptual category and potential political actor. They can be labeled the Hobbesian, Lockean, and Rousseauian versions, respectively.

Thomas Hobbes’s 1651 *Leviathan* presented a model in which individuals come together and submit themselves to the sovereign in an act that simultaneously creates the state and the people.⁴³ In the Hobbesian version of the social contract, a strong state gives the people a basis for cohesion by providing structures that respond to a common need for security. Even after joining together, the people cannot be conceived of as existing independent of the state. The sovereign power might have a contractual basis, but the arrangement is largely one-sided: while the ruler’s obligation to provide protection might make political authority conditional in the abstract, the drastic, destabilizing consequences of dissolving the sovereign strongly discourage revolutionary challenge. The people depends on the sovereign for its existence as a coherent whole: if the state were to crumble, individuals would lose their cohesive framework and would return to the state of nature. The Hobbesian account of the social contract provides a powerful disincentive for popular uprisings: indeed, this was Hobbes’s intention, as he sought to avoid a repetition of the English Civil War.

Later in the seventeenth century, John Locke published *Two Treatises of Government*. The Lockean version of the social contract enables the people to remain unified separate from its governing structures by positing a two-step process: the formation of the people, followed by the institution of government.⁴⁴ In this conception, the people reserves the right to challenge and to transform state institutions if these do not fulfill their function. If the state succumbs, the people remains intact, since its cohesion no longer depends on governmental structures. This conceptual modification was a prerequisite for the reconceptualization of authority as inhering in the people rather than the king: as highlighted by the Hobbesian contract, the people could not easily challenge the king while it was still seen as depending on him for its very existence. On a theoretical level, this Lockean right of rebellion provided a justification for the American Revolution, based explicitly on alleged violations of governmental obligations by King George III. As stated in the 1776 American Declaration of Independence: “[T]o secure these [unalienable] rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. . . . [W]henver any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government.” In this model, specific abuses of authority trigger a latent right inherent in the people to withdraw its consent and depose the offending official.

The French Revolution went farther than the American one, not only in its universalist ambitions, but also because it framed national self-determination as a fundamental right inhering in the nation, rather than a contingent prerogative created by persistent governmental abuse.⁴⁵ This distinction is of crucial importance in contemporary self-determination arguments, since it determines whether or not the demonstration of a violation is a prerequisite for exercising the right to national self-determination, often in the form of secession.⁴⁶ It also accounts in part for the focus of this study on the French, rather than the American, experience, as the French Revolutionaries articulated and sought to implement a more expansive version of the national self-determination principle.

In France, the influence of Jean-Jacques Rousseau was determinative in guiding the reconceptualization and reconstruction of legitimate political authority.⁴⁷ While Hobbes had been unable to conceive of a people without reference to a *pactum repraesentationis* that gave it unity and made it capable of acting on its will,⁴⁸ Rousseau envisaged the people as a pre-political entity that gave rise to governmental institutions.⁴⁹ For Rousseau, the state is nothing more than the concrete expression of the will of the people, which is assumed to be unified and coherent. Individ-

uals do not renounce their freedom by creating society and the state: they retain it, and exercise it all the more effectively by channeling it into common institutions, guided by an omniscient Legislator, a sort of Enlightened *Leviathan*. Sovereignty, conceived of as indivisible and inalienable, inheres in the people, which must therefore also be conceived of as a unified and independent whole. Only an entity with its own internal principles of cohesion could challenge a monarch who had historically embodied the state's constitutive power. By giving the people a separate rhetorical existence, Rousseau provided a conceptual framework in which the people could and did become the ultimate political actor.

Rousseau's vision, however compelling, was far from unproblematic. Historically speaking, the ability to conceive of a French nation was very much a product of the administrative centralization and territorial consolidation achieved by French kings, partially validating Hobbes's skepticism about the possibility of a pre-institutional people. Four questions arise in the face of the Rousseauian idea of the people as a political actor that is, by nature, pre-political:

1. How can such an entity exist? (conception)
2. How can one identify it, if it does exist? (constitution)
3. How can it be held together, if not by political institutions? (composition)
4. What rules govern its interaction with other political units? (confrontation)

The doubts raised by these questions jeopardize the logical coherence and practical viability of relying on nonpolitical entities as the bases for constructing and legitimizing the component units of international society.

Rousseau defines his project in terms of the first question: discerning and describing "l'acte par lequel un peuple est un peuple" (the act by which a people is a people), which precedes "l'acte par lequel le peuple élit un roi" (the act by which the people elects a king).⁵⁰ His version of the social contract, which constitutes a society coextensive with the body politic, refers only to this first, fundamental agreement. In contrast to Hobbes's vision of an exchange of freedom for security, Rousseau imagines a form of protective association in which all members retain their freedom by obeying only self-given laws.⁵¹ The initial associative act, requiring the total surrender of the self to the community,⁵² "produit un corps moral et collectif . . . lequel reçoit de ce même acte son unité, son *moi* commun, sa vie et sa volonté" (produces a moral and collective body . . . which receives from this same act its unity, its common *me*, its life and its will).⁵³ As anti-individualist as

this act appears, it remains in Rousseau's vision the "acte constitutive de la patrie à l'origine de toute liberté civile" (constitutive act of the *patrie* at the origin of all civil liberty).⁵⁴ In theory, guarantees of individual freedom are no longer dependent on the caprice or even on the commitment of the monarch, but emanate from the very configuration of civil and political life itself. However, it remains unclear what would motivate a people to engage in this bottom-up act of association to begin with. If pre-political sociability is a contradiction in terms (as it is for Rousseau), then finding a solution to the paradox of conception seems an impossible task.

The second question—how to identify a voluntarist, preexisting nation if one does exist—is, on the surface, equally puzzling. How can one point to evidence of an agreement to live under common institutions except by looking to those institutions themselves? Doing so would require begging the question of how a pre-political entity can exist as the constituent power *behind* political institutions, since one is forced from the beginning to take these institutions and their boundaries as given. This problem is compounded by the fact that conceiving of the nation as a pre- or nonpolitical entity becomes more important when there are challenges to existing political and territorial boundaries. In contrast to Hobbes, Rousseau is adamant that sovereignty cannot be represented: political decisions are the direct emanation of a people's will, derived from its particular nature.⁵⁵ But while Rousseau envisions state institutions as emblematic, rather than constitutive, of a people, this distinction is conceptually difficult to maintain.⁵⁶ This problem of circularity plagues attempts to identify nations without looking to their institutional manifestations. It is exacerbated in the case of a voluntarist nation whose self-definition precludes reference to innate characteristics as a basis for national identification, political constitution, and territorial delineation.

Rousseau relies on the notion of "national character" as the marker of a voluntarily constituted people. This idea offers a potential solution to the paradox of conception, and it foreshadows Rousseau's answer to the paradox of composition—the question of how a voluntarist nation can be conceived of as internally, as opposed to externally, cohesive. However, once again, the difference between internal and external cohesion is undermined by a problematic circularity, since national character is largely a product of institutions: once the people create the state, the state cannot help but define the people.⁵⁷ The possibility of nation-building by the state becomes increasingly important as theory is put into practice, as Rousseau discovered in his later attempts to devise constitutions for Poland and Corsica.

In the *Social Contract*, Rousseau insists that despotism can never provide the kind of internal cohesion needed to hold a people together: “c’est, si l’on veut, une agrégation, mais non pas une association: il n’y a ni bien public, ni corps politique” (it is, if you wish, an aggregation, but not an association: there is neither public good, nor body politic).⁵⁸ This echoes the view in the *Encyclopédie* that a *patrie* cannot exist under despotism. The Hobbesian model is inadequate because it does not provide the people with a strong, independent existence. But Rousseau ends up needing something more than pure voluntarism and its implied revocability to serve as an adequate replacement for insecurity or compulsion as the basis of social cohesion. He asserts that there exist fundamentally harmonious “real” interests among individuals in society despite their divergent “apparent” interests, which enables him in theory to maintain a unitary vision of the sovereign people without recourse to coercion. In practice, the French search for solidarity in the name of Rousseauian ideals would ultimately entail a campaign against divergence, blurring the line between natural community and enforced conformity. Instead of institutionalizing diversity and individual freedom, the doctrine of popular sovereignty ended up buttressing a monolithic and even exclusionary conception of nationhood.

The circularity of Rousseau’s answers to the first and second questions of how a nonpolitical entity can exist and be identified (conception and constitution), and the difficulty of holding a people together without relying on institutions (composition), create the need to posit even stronger pre-institutional ties among members. The difficulty of reconciling voluntarism with the idea of “automatic” or preexisting bonds among individuals, already present in the Rousseauian model, took on increasing importance as the theory of popular sovereignty was put into practice during the Revolution. These conceptual and concrete problems challenge the strict dichotomy between voluntarist and nonvoluntarist definitions of national membership, and call into question the “liberal” credentials of contractarian ideas intended to promote inclusiveness and individual freedom. The paradox of conception highlights the risks involved in basing political legitimacy exclusively on the idea of a separate, nonpolitical nation, even one united by supposedly voluntarist ties.

The French Revolution was torn between individualist and collectivist principles and priorities. The emphasis in Revolutionary rhetoric on the nation, rather than on “civil society” or some other less holistic image, reinforced the collectivist strand in Revolutionary thought. The primacy of the nation entailed the subordination and even the suppression of alternative associations and allegiances. Associative ties at the subnational level

constitute the very fabric of civil society, but they were considered parasitic on the exclusive allegiance demanded by the Revolutionary nation. The mobilizing power of the nation was enhanced by its conceptual independence from the state. Civil society, by contrast, remained largely political in nature.⁵⁹ This made civil society much weaker than the nation as a platform for political opposition; unlike the nation, “civil society” did not become entrenched in the Revolutionary lexicon (although Emmanuel-Joseph Sieyès’s conception of the Third Estate, discussed in chapter two, can be viewed as a description of what we would call “civil society,” showing the influence of Scottish philosopher and economist Adam Smith).

For Adam Smith, “[t]he state provided a rule-bound framework within which people could live and work, exchange and contract. . . . But it had no other responsibility; it could not lay down the parameters of a good life, or define the collective good, or represent the collective will, or prescribe roles for the people.”⁶⁰ The French Revolutionary model, by contrast, upheld the nation-state as the highest realization of the collective good, the expression and embodiment of the collective national will: “Robespierre, asked what constitution he wanted, replied ‘That of Lycurgus’” (invoking a Spartan, rather than an Athenian, model).⁶¹ The Revolutionary nation was initially envisaged as a check on the state, but its potency as a political platform fueled a process whereby the nation came to define the state itself. The Revolutionaries created a secular religion of nationhood based on liberty, but they inculcated a civic culture that was highly intolerant of divergence and dissent.⁶²

Invoking German sociologist Ferdinand Tönnies’s distinction between *Gesellschaft* (society) and *Gemeinschaft* (community), Ernest Gellner observes of nationalism in general: “Rooted in an emerging *Gesellschaft*, it preached *Gemeinschaft*.”⁶³ This observation is particularly relevant in the context of the French Revolution. The political ideas of civil society and of the sovereign nation both stemmed from an emancipatory impulse, but they parted company in their tendencies (individualist vs. collectivist) and in their primary political functions (private vs. public mobilization). Riding the crest of the conceptual innovations described above, the French Revolutionaries chose the path of the unitary nation-state.

Conclusion

This chapter has canvassed the paradox of conception: how to imagine a nonpolitical, voluntarist nation as the basis for the political and territorial legitimacy of a state. During the eighteenth century, this dilemma was sit-

uated within a particular set of concerns, namely, how to develop principles of governmental accountability against the historical backdrop of monarchical absolutism. A combination of political ambition (on the part of French aristocrats seeking to maintain and to enhance their power) and Enlightenment rationality (on the part of thinkers seeking to articulate principled justifications for submission to political authority) fueled the conceptual separation of king, state, and nation, a first step towards establishing a sovereign nation in the place of a sovereign king.

This development was both favorable and foreboding. It was favorable in that it opened the door to a more broadly participatory form of government, based on principles of governmental accountability and popular consent. It was foreboding in that, in order to provide a counterweight to an absolutist monarch (in addition to the competing identities and allegiances demanded by various corporate bodies or *corps*, such as provinces, guilds, village communes, and the Church⁶⁴), the people was envisaged as essentially unitary, with potentially repressive results. Even in the absence of a discourse of ethnic homogeneity more commonly associated with illiberal models of nationhood, the idea of the nation in pre-Revolutionary France contained the potential, and even the propensity, to become an exclusionary platform for claims to political power.

The next three chapters continue to trace the evolution of the French Revolutionary nation in an effort to gain a deeper understanding of the theoretical and practical issues at stake in the articulation of nation-based claims to political power and territorial control. This historical analysis provides a framework for exploring ongoing contradictions and dilemmas involved in national self-determination, a project begun in chapters five and six.