Balancing the Constitution:
Bicameralism in Post-revolutionary France, 1814–31
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After the defeat of Napoleon, representative institutions were introduced in many European states. In France, as in other countries, this new institution was modelled on the English example: a bicameral legislature with an elective and a hereditary chamber. However, the Chamber of Peers failed to live up to its model: it soon became clear that it did not behave as an independent, aristocratic chamber capable of holding the balance between the king and the popular Chamber. Restoration liberals concluded on the basis of this failure that the English political model was simply unsuitable for a levelled society such as that in post-revolutionary France. In 1831, the hereditary Chamber of Peers was abolished. The experience of the French with the Chamber of Peers therefore seems to confirm the idea of a French ‘Sonderweg’ developed by historians such as François Furet and Pierre Rosanvallon. However, it should be noted that even after 1831 the idea of a balance as such did not disappear from French political culture. French publicists suggested that the balanced constitution of the English could be imitated in France in different ways, without necessitating the creation of an aristocratic institution. Thus, the example of the French Chamber of Peers shows that institutional transfers had an important impact on French political culture.

In 1814, Louis XVIII issued a new constitution upon his return to France. The Charter introduced a representative system in France, which divided legislative power between the monarch, an elected Chamber of Deputies and a hereditary institution, the Chamber of Peers. This implied an important rupture with the revolutionary tradition, which had
allocated legislative power to a single assembly (the National Assembly, the Legislative Corps, the Convention), or to two elected chambers (the Council of the Ancients/the Council of Five Hundred). The choice of a bicameral system, with chambers of a different origin, was part of a general European trend. In the United Kingdom of the Netherlands, an Upper Chamber was instituted next to the Estates General by the constitution of 1815. Its members were appointed for life by the king, although the Belgian delegates to the constitutional committee had pleaded for the establishment of a hereditary institution. Bicameralism was introduced in a number of the German states as well; the new Bavarian constitution of 1818, for instance, established a representative body of two chambers; membership of the upper chamber was hereditary or granted by royal appointment, and the chamber of deputies was elected.

The creation of these upper chambers can be seen as an attempt by the legislator in different European countries to incorporate the traditional ruling classes, in particular the nobility, into the new political systems. This goal was made explicit, for instance, in the preamble to the French constitutional Charter. The Chamber of Peers, as Louis XVIII explained to his subjects, was to ‘reunite ancient and modern times’. But, looked at from another perspective, an institution such as the French peerage can be seen as an example of an institutional transfer, as an imitation of the English House of Lords. In this sense, the vogue for bicameralism in post-revolutionary Europe illustrates the influence on the Continent of the English model, with its division of legislative power between king, Lords and Commons. This was especially clear in the French case. Like the House of Lords, the Chamber of Peers was an exclusively hereditary chamber, whose members were appointed by the king. Moreover, the Peers had functions similar to those of their English counterparts. The French Upper Chamber was both part of the legislature and a court of justice for high treason. The French peerage was, in other words, a faithful copy of the House of Lords.

This paper will investigate the response of French publicists and political thinkers to the Chamber of Peers from its establishment in 1814 until the July Revolution of 1830, which brought about important changes to the nature of this institution. In doing so, it will contribute a new perspective to the existing literature on the influence of the English model in nineteenth-century France, which has been mainly concerned with the reconstruction of theoretical debates on the English model. By focusing on the actual experience of the French with an institutional transfer such as the Chamber of Peers, we will be able to gain a better understanding of the influence of the English model on French political culture in the first half of the nineteenth century. It will become clear that the imitation of the English political system in Restoration France had an ambiguous effect. On the one hand, this transfer resulted in the rejection of the English constitution as a viable model for France no more than 15 years after its introduction. But this rejection was not absolute. As we shall see, publicists and political thinkers engaged in a reconceptualization and appropriation of this model, which allowed it to remain, in a revised version, an important ingredient in French politics.
At the beginning of the Restoration period, most French political leaders agreed on the necessity of a hereditary institution in the post-revolutionary political system. A bicameral system modelled on the English example was first proposed by members of the imperial Senate. When it became clear in 1814 that the Empire would cease to exist, they had prepared a draft constitution, the so-called Senate’s constitution. It provided for the establishment of a constitutional monarchy headed by the Bourbon dynasty, in which legislative power would be shared between the king, a hereditary Senate, and an elected Chamber of Deputies. This idea was adopted as well by the commission responsible for drafting the Charter, which eventually became the constitution of the realm, although the name Senate was now replaced by Chamber of Peers. In his Mémoires, Count Jacques-Claude Beugnot, a member of this committee, commented that the different articles concerning the Chamber of Peers were approved of without discussion, because ‘for a long time, the spirits [of the French] had been prepared for such an institution’. The general consensus concerning the necessity of a hereditary institution was illustrated again when Napoleon returned to France after his escape from Elba. The constitution that was framed during his short reign (the Hundred Days) maintained Louis XVIII’s Chamber of Peers, albeit with a different personnel.

A general consensus concerning the necessity of the bicameral system existed as well amongst publicists and political thinkers of both the left and the right. Benjamin Constant was perhaps the most enthusiastic advocate of such an institution. In 1814, before the proclamation of the Charter, Constant published an important political brochure, Réflexions sur les constitutions, in which he described a hereditary upper chamber as ‘indispensable’ in a monarchy. As a member of the constitutional committee established by Napoleon on his return from Elba, Constant continued to insist on the necessity of such an institution—it was mainly due to his efforts that the Chamber of Peers was made into an exclusively hereditary body by Napoleon. Other important liberals, such as Germaine de Staël, François Guizot and Pierre-Paul Royer-Collard, were likewise convinced that a hereditary upper chamber was an indispensable part of the post-revolutionary political system. On the right, more hesitation existed. Some royalists were opposed to the Chamber of Peers because it would undermine the equality within the nobility. Nevertheless, a number of leading members of the royalist party, such as René de Chateaubriand, were no less convinced of the necessity of such an institution than were liberals such as Constant.

References to the English example abounded in the pamphlets and treatises discussing the newly established representative system. ‘No Englishman would believe for a moment in the stability of the English monarchy’, Constant wrote in his Réflexions politiques, ‘if the House of Lords were abolished’. Germaine de Staël likewise invoked the English model to defend the necessity of a hereditary upper chamber. In her widely read Considérations sur la révolution française, part memoirs,
part political brochure, she argued that a limited monarchy could not be based on
grounds that were different from the English system. The failure of the French to do so
in the past, she argued, had proven this conclusively. ‘The democrats will say that we
need a king without an aristocracy, or that neither the one nor the other is needed’, she
wrote; ‘but experience has shown the impossibility of that system’.13 But the crucial
place of the English model in the debate on the bicameral system is best illustrated by
the writings of François Guizot, the intellectual leader of the French doctrinaires or the
centre-left. In his *Histoire du gouvernement représentatif*,14 a historical and theoretical
discussion of the representative system, the English political system served as a model.
Devoting much attention to the role of the House of Lords in this system, Guizot
attempted to convince his readers that the bicameral system was indispensable to any
properly functioning representative system.15

Thus, an analysis of the constitutional debate of 1814–15 shows that a general
consensus existed concerning the necessity of the Chamber of Peers. Moreover, it is
clear that the role of the peerage was legitimized with reference to the English House of
Lords. But why did French politicians and political thinkers believe that such an
institution was necessary? Many different reasons were formulated in the course of the
constitutional debate of 1814–15. Some publicists pointed out that a bicameral system
was necessary to provide a check on the legislative impetuosity of the elected chamber.
A second chamber, they argued, that was independent from popular passions would
protect the representative system against demagogues. The bicameral system made it
possible to revise or even abort ill-conceived laws. Other publicists saw the danger
coming from the nobility rather than from the people. They believed that, without a
hereditary institution to represent the aristocracy, the elected chamber would rapidly
fall under the sway of the nobility, which could use its wealth and influence to gain
electoral predominance. A hereditary Upper Chamber, however, provided a legitimate
outlet for aristocratic ambitions. At the same time, it allowed the king to promote the
ambitious, thereby inspiring them to work for the common good.16

The most important argument, however, used by French publicists and political
thinkers to legitimize the Chamber of Peers departed from what may be described as
the theory of the balanced constitution. This theory had not been invented by the
French. Like the institution it was meant to legitimize, it can be considered as a
transfer from England, albeit on the ideological instead of the institutional level. From
the seventeenth century onwards, English theorists such as Bolingbroke had defended
the existence of the House of Lords by invoking the theory of the balanced
constitution. To preserve liberty, they argued, power had to be divided over different
bodies, representative of different social strata: the king, the democracy, represented in
the elected chamber, and the aristocracy, represented in the hereditary chamber. These
bodies would check each other, thus averting the establishment of despotism. In this
construction, the aristocratic body was given a special role. Through its aristocratic
nature, the Lords could act as an intermediary between the people, represented in the
House of Commons, and the king, preventing them from getting locked in mortal
combat.17
This doctrine had been introduced in France by theorists familiar with the works of Bolingbroke, such as Montesquieu, whose description of the English constitution in the famous Book 11 of the *Esprit des lois* made the French familiar with the theory of the balanced constitution. By the end of the eighteenth century, it had become a generally accepted way to explain the nature of English liberty. In the *Encyclopédie méthodique*, for instance, the most influential medium for the dissemination of political ideas at the end of the eighteenth century, the important role of the Lords in the constitutional balance was emphasized: ‘In the continual balancing of the power of the king and that of the nation, the corps of the nobility, acting as a weight falling to the weakest side, always kept the balance.’ It is therefore hardly surprising that, during the constitutional debate of 1814–15, most publicists and political thinkers used the doctrine of the balanced constitution to legitimize the establishment of the Chamber of Peers in France. In consequence, a much more important role was attributed to the Chamber of Peers than its legally defined functions alone would lead one to suppose: it was expected to act as the equipoise of the constitution, crucial for the preservation of both liberty and stability.

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During the Restoration period, however, it became clear that these expectations had been too high. French publicists and politicians grew increasingly discontent with the actual functioning of the Chamber of Peers. Royalists in particular became convinced that the peerage failed to live up to the model established by the House of Lords. A comparison between the Chamber of Peers and its original shows that there were certainly grounds for these complaints. Considerable differences can be established between both institutions, for instance with regard to their composition. Although its members were selected in the same way as was the House of Lords, through royal appointment or through heredity, the French peerage had a social make-up that differed considerably from its model. In England, the Upper House was dominated by the great territorial magnates. Throughout the eighteenth century, land had been the pre-eminent qualification for admission to the Lords. After 1780, new peers were increasingly chosen for their services to the state. As the possession of landed wealth became of less importance, a slow transformation of the elite took place. Nevertheless, the Lords essentially remained a body of the most important landholders of the kingdom until well into the nineteenth century (and beyond). Moreover, most of its members belonged to old families; newly appointed Lords were usually scions of families that already belonged to the Lords.

In France, that situation was very different. Forty-five Peers, or less than one-third of the 154 appointed in 1814, belonged to the nobility of the Old Regime (three of the six former ecclesiastical peers; 26 of the 36 lay peers who were still represented after the Revolution; 12 hereditary dukes who did not belong to the ancient peerage; seven dukes; six general officers of the ancient army; and Talleyrand). The remaining two-thirds were selected predominantly from among the members of the former imperial
Senate. Thus, the overwhelming majority of the French Peers belonged to the revolutionary elite rather than to the old nobility.\textsuperscript{21} It is difficult to compare the social composition of the Chamber of Peers and the House of Lords in other respects, as no specific data concerning the landed and/or financial wealth of the French Peers are available.\textsuperscript{22} Yet it seems highly unlikely that the peerage represented territorial wealth to the same extent as the English House of Lords, if only because the land was more subdivided in post-revolutionary France than it was in England. So even if the Chamber of Peers represented a social elite, it was a very different elite from that represented in the Lords: it was a more recent elite, and it was less oriented towards landed wealth.

Other differences can be established as well. Thus, it is clear that the French government had a very different attitude towards the Peers than the English government towards the Lords. In both cases, the government had the power to create as many new members of the Upper House as necessary to pass a bill, a practice described as ‘swamping’. In England, this power was rarely used. In the eighteenth century, the peerage was swamped on one particular occasion. When the Earl of Oxford, the Tory Prime Minister, came into conflict with the Whig Lords in 1711–12, he persuaded Queen Anne to shore up his position via the exceptional creation of 12 new peerages. In response, a Peerage Bill was introduced in 1719 with the intention of stabilizing the size of the Upper House and preventing further mass creations. Although the Bill was lost, its principle was maintained: it was not until the 1780’s that political manipulation along party lines was again attempted, and even then the government’s power was used with extreme care. The only further threats of multiple creations in order to pass party measures came as the result of the Reform Bill in 1832, and the Parliament Act in 1911. As a result, the Lords was a political power relatively independent from the government.\textsuperscript{23}

In France, the situation was very different. Both the liberal and the royalist governments used the weapon of swamping without great qualms. Between 1816 and 1819, the Chamber of Peers had opposed several of the government’s more liberal measures. In 1819, the centre-left Prime Minister Elie Decazes therefore persuaded Louis XVIII to create a contingent of no fewer than 68 new peers. Mostly government supporters were appointed, among them many members of the former revolutionary elites. In 1824 right-wing Prime Minister Joseph Villèle retaliated by the appointment of 38 new peers, and in 1827 he again created a contingent of no fewer than 79 new peers to increase the influence of the royalist party in the Upper Chamber. Thus, the peerage had grown from 154 to 365 members by 1830, having more than doubled in size in fewer than 15 years.\textsuperscript{24}

A considerable divergence can also be established in the roles played by the House of Lords and the Chamber of Peers in respectively the English and the French political system. Since the eighteenth century, the Lords had effectively acted as a conservative institution, defending the old constitution, for instance against the prospect of parliamentary reform.\textsuperscript{25} The French peerage, however, was more inclined to support liberal, modernizing policies. This became apparent after 1820, when the liberal
government was replaced by a conservative one. In a short span of time, the Chamber of Peers rejected a number of important conservative bills. Two bills that had the interests of the landed nobility at heart—in 1824, the bill to compensate the émigrés whose property had been nationalized; in 1826, a bill that aimed to reintroduce primogeniture—were defeated in the Chamber of Peers. The peerage was, in other words, a more ‘popular’ chamber than the Chamber of Deputies. This was confirmed again in 1827, when the Peers rejected a bill to restrict the liberty of the press. The Chamber of Peers was more anti-clerical than the elective chamber as well: the anti-Jesuit campaign at the end of the Restoration period found support in the Chamber of Peers rather than in the other chamber.26

Royalist politicians and publicists were acutely aware of these differences between the House of Lords and the Chamber of Peers. They repeatedly expressed their dissatisfaction with the failure of the French peerage to live up to its model. In a widely read brochure, De la monarchie selon la Charte (1816), Chateaubriand complained that the Chamber of Peers lacked privileges, honours and wealth. Without these, the peerage was an empty shell, an institution incapable of accomplishing its goal: to maintain the equipoise of the constitution. He therefore defended the necessity of majorats for the constitution of the Chamber of Peers. Members of the peerage should be obliged to entail part of their estate for the heir to their title, preferably in the form of landed property. This would ensure that the Peers would become a truly territorial aristocracy.27 The demands of Chateaubriand and other royalist publicists were met by the centrist government led by Duke de Richelieu in 1817, when majorats became a precondition for the peerage. But even this measure was deemed insufficient by some royalists. Joseph Fiévé did not believe that the majorats would suffice to create a truly aristocratic body. He pointed out that a peerage could be obtained on basis of a majorat of no more than 10 000 francs, less than a banker would give to his wife as pocket money. This was very different from the situation where much higher property qualifications had been imposed for the Lords after 1688. ‘You have a territorial aristocracy’, he wrote, ‘an essential condition for the stability of the monarchy; we lack that condition, and the movement due to industry and mobile wealth is with us unbalanced’.28

New complaints were formulated in 1819, when the liberal government swamped the Chamber of Peers with over 60 new members. Again, Fiévé condemned this measure as subversive of the economy of the Charter. By establishing three independent powers, he explained, the constitution had aimed to prevent one of them of becoming despotic. However, now one of these powers had lost its independence it was no longer representative of the aristocracy, so that the peerage would no longer be able to act as counterpoise.29 This conviction was shared by many other publicists. An anonymous author described the creation of the new peers as a nothing less than a coup d’éat, an attack on the function of peerage to act as the equilibrium of the constitution. ‘The peerage has been conceived with grandeur’, he wrote, ‘but unhappily, the Chamber of Peers, as it exists, has not been organized with ability, nor steered with prudence’.30
Throughout the Restoration period, royalist publicists continued to complain that the Chamber of Peers had failed to become an aristocratic intermediary body comparable to the House of Lords. Count Vincent-Marie-Viénot de Vaublanc, a staunch royalist, compared the Chamber of Peers to the House of Lords in his brochure Des administrations provinciales et municipales (1828). Both the English and the French had an aristocratic element in their political constitution, he wrote. ‘But there it exists strong, eminent, extending itself to all intermediary institutions connected to the peerage; here, it is nothing but a vain name.’ Even more dismissive was Count François Régis de la Bourdonnaye, a royalist orator, who in 1829 claimed that the Chamber of Peers was ‘more the germ of a power than a real force capable of combating the democracy’. 

Confronted with the failure of the Chamber of Peers to act as an aristocratic body, the royalists turned their attention to the Chamber of Deputies. A number of royalist politicians became convinced that the influence of the nobility in the elected chamber should be increased to compensate for the malfunctioning of the Chamber of Peers. They attempted to change the electoral system so that the electoral weight of the provincial, landowning nobility would be increased. Such changes, they argued, were necessary to restore the constitutional balance impaired by the failure of the Chamber of Peers.

In 1815, a two-tier electoral system had been established in France that gave a decisive influence to the landed classes. In 1817, however, the centre-left government changed this system by imposing a uniform franchise of 300 francs, thus giving electoral preponderance, as contemporaries believed, to the commercial middle classes. This Bill was fiercely opposed by the royalist party, who protested against what it perceived to be an attack on the influence of the landed nobility. Unsurprisingly, the royalists changed the electoral law again when they came to power in 1820. With the electoral law of 1820, a double vote was to be given to the wealthiest members of the community (based on the property tax that was computed mainly on the basis of landed wealth). However, even this measure did not satisfy all members of the right. At the end of the Restoration period, when conflicts between Charles X and the increasingly liberal Chamber of Deputies increased, several proposals were formulated by royalists to increase the electoral weight of the landed nobility. One royalist publicist, Charles Cottu, even advised turning the electoral body into a hereditary aristocracy; those wishing to obtain a vote would have to create a majorat like the Peers.

In the debate on these electoral reforms, frequent reference was made to the failure of the Chamber of Peers. Commenting on the liberal Bill of 1817, Joseph Fiévé complained that it gave a preponderant influence to the middle classes, which, he believed, posed an acute danger to the monarchy, as the middle classes had less to lose and were therefore more prone to revolutions. This would have been less important,
he wrote, if the Chamber of Peers represented ‘a complete aristocracy’. But in the absence of such a truly aristocratic institution in the French political system, the fact that the law was essentially an attack on property was even more of a problem. The Double Vote Bill of 1820 was likewise explicitly linked to the failure of the Chamber of Peers. As one of the members of the government, the Duke de Broglie, commented: ‘Because the Chamber of Peers is not the House of Lords, large property, dominated by the nobility, should be given a special representation in the Chamber of Deputies.’ Likewise, at the end of the Restoration period, Cottu legitimized his proposal to turn the electorate into a hereditary body by referring to the Chamber of Peers. As this institution had shown itself unable to protect the monarchy against the onslaught of democracy, other procedures were necessary to create an aristocratic (and therefore conservative) body in the state.

These arguments, however, confronted the royalists with a theoretical problem. For the conception of an aristocratic Chamber of Deputies was incompatible with the theory of the balance of powers. In response to that problem, royalists formulated a new theory to legitimize their proposals, in which the English example again held a central place. Observers of the English political system had long remarked that the House of Commons was packed not so much with bourgeois as with scions of the noble families represented in the Lords. Moreover, the Lords had a considerable influence on the Commons through means of the rotten boroughs that mostly belonged to members of the Upper House. Drawing on these observations, royalists argued that English liberty did not really depend on a balance of three sociologically different powers, as the traditional doctrine taught. Instead, they claimed, it was based on the political predominance of the aristocracy. In an article in the 1819 edition of the influential royalist journal Le Conservateur, it was claimed that the balance of powers, if it had really existed, would have resulted in a trenchant opposition between both chambers. That situation would have led to revolutionary upheaval rather than liberty and stability. The latter were guaranteed instead in England by the aristocratic spirit of the House of Commons, which formed an important antidote against the demagogic spirit so often characteristic of elective assemblies.

These claims, defended by many royalist publicists during the debate on electoral reform, were to have an important impact on the way in which Frenchmen evaluated the English model for the remainder of the nineteenth century. It became customary to attribute English liberty not primarily to its constitutional balance but to the aristocratic nature of its political system. Although the English example remained important as a model for a pluralist system, it became increasingly associated with anti-democratic attitudes.

While the royalists campaigned for electoral reform, liberals drew very different conclusions from the failure of the Chamber of Peers. As we have seen, most liberals
had been convinced, at the beginning of the Restoration period, that an aristocratic, hereditary body was a necessary ingredient in a liberal political system. However, enthusiasm for such a body waned rapidly during the Restoration period. Liberals now started to argue that the failure of the peerage illustrated that England and France were too different for the English model to be applicable in France. In an equalized, democratized society such as the French, they argued, an aristocratic body had no place. Royalist attempts to increase the influence of the landed nobility in the electoral system were therefore wrong-headed. France had become a middle-class society, and that should be taken into account by the legislator.

The writings of Benjamin Constant offer an interesting example of this shift in liberal thought. As we have seen, Constant was an enthusiastic defender of the hereditary peerage at the beginning of the Restoration period. But by 1820 he had started to doubt whether the hereditary peerage was as indispensable as he had thought it to be six years earlier. In his Mémoires sur les Cent-Jours, written as an apology for his ralliement to the Emperor in 1815, he explained that his support for the hereditary peerage had been inspired by Montesquieu’s authority and by the English example. But was this political model really applicable in France? Constant now answered this question in the negative. The national disposition, he wrote, was in favour of equality. Likewise, the social structure, characterized by the division of properties, was incompatible with the existence of a territorial aristocracy. In these circumstances, a hereditary peerage that was meant to represent the great landowners had something contrary to nature. ‘When it exists’, Constant wrote, ‘the peerage can subsist, which is proven by the fact that we have one; but if it did not exist, I would believe it to be impossible’.40

The differences between France and England were emphasized by many other liberals as well. An extensive comparison between the English and French political systems was made in the anonymous brochure Des principes de la monarchie constitutionnelle et de leur application en France et en Angleterre (1820). Like the royalists, the author of this brochure believed that the notion of a balanced English constitution was chimerical. In reality, the English political system was dominated by the aristocracy, which controlled not just the Lords but the Commons as well. But unlike the royalists, the liberal publicist did not conclude from this that the French should attempt to imitate this system. Indeed, that was impossible, because the social organization of France was very different. There were no more real social pre-eminences. To illustrate this point, the author of Des principes referred to the Chamber of Peers: that institution was not working as it should. Counter-weights were necessary, the anonymous writer emphasized, but they should not be modelled on the English institutions, as ‘all attempts made to transport those institutions integrally among us must inevitably fail’.41

A similar point was made by the radical liberal Charles Guillaume Etienne during the debate on the Municipal Bill of 1829. Against royalist attempts to increase the influence of the landed nobility on the local government, Etienne argued that the aristocracy could not be restored in France. ‘For fifteen years, our governments have
worked to create an aristocracy through the laws, and each day the aristocracy is undone by our customs.' He referred to the peerage to underscore this point: many Peers needed government pensions to support their dignity, which proved that there were not enough large fortunes in France to constitute an aristocracy. The legislator should take the equalized social condition in France as his point of departure; the laws and institutions that were applicable to countries in which wealth was concentrated in the hands of a small number—an obvious reference to England—were 'happily' inapplicable to France.42

In other words, the liberals of the Restoration period evolved from a pro-aristocratic attitude to a position that was much closer to the anti-aristocratic discourse of the revolutionaries, who had likewise rejected the English model as unsuitable for France.43 However, it is important to note that the content of that discourse had changed markedly. The revolutionaries, and the Jacobins in particular, had legitimized the exclusion of the aristocracy from political life on moral grounds: nobles had a 'sinister interest' that made them the enemies of the public good. Their exclusion from the body politic was based on a particular moral-political ideal of republican self-rule. This discourse even had racist overtones: the aristocracy, descendants from the Franks, belonged to a different racial group from the Gallo-Roman bourgeoisie.44 In the liberal discourse of the Restoration period, the argument was pragmatic rather than moral. Liberals argued that the aristocracy might have a useful function in the English political system, but that it had become simply impossible to imitate this model in an equalized society such as France.

From this perspective, royalist attempts to give the Chamber of Deputies a more aristocratic cachet seemed impolitic at best. During the debate on the Double Vote Bill, the great orator Pierre-Paul Royer-Collard summarized the liberal objections against such attempts in one of his most powerful speeches. Royer-Collard started out by arguing that the political system should truthfully express the interests, moeurs and condition of the society it was supposed to rule. 'Necessity has its empire in the moral world, as much as it has in the physical world. In a given time, in a certain condition of society, one form of government alone is possible for a people.'45 The rise of the Third Estate, which had been completed by the Revolution and confirmed by the Charter, had made French society an equal society.46 Any attempts to introduce inequality in Chamber of Deputies were therefore futile. 'It is not just a violation of the Charter; it is not just a coup d'état against the representative government', Royer-Collard concluded; 'it is a coup d'état against society; it is a revolution against equality, it is a true counter-revolution'.47

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In short, the consensus concerning the necessity of a peerage that was so general in 1814 had completely evaporated by 1830. While royalists complained that the Peers did not represent a territorial, independent aristocracy, liberals formulated an even
more radical critique of this institution. They claimed that the very nature of French society prevented the peerage from fulfilling its role as an aristocratic intermediary power. In other words, the experience with the Chamber of Peers raised the issue of whether the English political model was still applicable in an equalized society such as France. With the July Revolution of 1830, this issue was brought to the centre of the political stage, as the new political leaders debated whether the Chamber of Peers should be maintained as a hereditary institution or not. Was the July Monarchy to be a mixed government, modelled on the English example, like the Restoration had been? This was the major question raised during the parliamentary debate on the future of the Chamber of Peers in 1830–31.

Although most participants in the debate opposed the maintenance of a hereditary peerage, a number of orators argued for its preservation. As had been the case in 1814, they referred to the English example to support the necessity of a hereditary institution for the preservation of liberty and stability. Adolphe Thiers gave the English model a central place in his speech to defend the principle of heredity. He conceded that the English example was not immediately applicable to France, as each government was closely related to its social condition. But, he continued, this should not prevent the legislator from observing facts and drawing analogies. In Thiers’s view, the English example taught an important lesson; namely, that a mixed form of government was necessary for the preservation of liberty and stability. Now, could a different element be put in the place of the aristocracy to keep the balance between the people and the government? Thiers answered this question in the negative. If a second Chamber was to be more than a repetition of the popular chamber, it had to represent a different kind of interest. For this reason, a hereditary chamber remained necessary in the political system the French were construing.48

Despite Thiers’s eloquence, his arguments made little impression on the Chamber. An overwhelming majority of deputies (206 against 86) were opposed to the maintenance of a hereditary peerage. The comparison with England held a central place in the arguments developed by these opponents of the hereditary peerage, as it had done in Thiers’s speech; now, however, it was claimed that the differences between both countries prevented the imitation of the English model in France. Thiers’s speech was answered at length by the radical liberal Dubois, deputy for the Loire-inférieure. In Dubois’s view, the legislation of a country had to be adapted to its history, beliefs and customs. It was unwise to imitate any system adopted by other nations, in another time and in different circumstances. For this reason, he did not believe that the English system could be a model for the French. England was still ruled by the aristocracy, he argued; the middle classes had barely been emancipated. In comparison with France, England was still in the Middle Ages. French society, on the contrary, had developed towards ever more equalized social conditions. The aristocracy no longer existed in France. For this reason, the balance of powers was not applicable to France. ‘There are no longer interests of caste or race. Everything is levelled and confounded in the two great interests of property and labour’, Dubois argued. ‘Those two interests have an equal and common
representation. As the advantages of property and labour are mobile, that representation cannot be permanent nor perpetuated in a number of families."49

This idea was repeated by many other participants in the debate on the Chamber of Peers. Like Dubois, Emmanuel de Las-Cases believed that English institutions could not be imitated in France. He connected this to differences in the economic structure in both countries. The land in France was much more subdivided than in England, where great territorial magnates had a considerable influence on large sections of the population.50 Adolphe Jollivet, another liberal orator, likewise emphasized that the English peerage was not suitable in France, as the Revolution had destroyed the aristocracy in France. ‘Our customs, our laws, our antipathies of the past, and of contemporary history’, he pronounced, ‘do not permit us to acclimatise the English peerage in France’.51 Moreover, the history of the Chamber of Peers, short as it was, did not illustrate the usefulness of such an institution, its opponents pointed out. B. de la Mathe, for instance, emphasized in his *Essai général sur la pairie en France, considérée comme contre-poids politique et comme fraction de la législation* (1831) that the peerage had never been able to fulfil its role as an independent, intermediary power during the Restoration period.52

Thus, most politicians who had come to power with the July Revolution of 1830 believed that England and France were too different to make such an institution useful in France. But the most damning indictment of the peerage came from across the Channel. During the debate on the First Reform Bill, which took place at the same time as the debate on the Chamber of Peers in France, the great Whig orator Thomas Babington Macaulay emphasized the differences between the English and French peerage: ‘I always regarded the hereditary Chamber established by Lewis the Eighteenth as an institution which could not last. It was not in harmony with the state of property: it was not in harmony with the public feeling: it had neither the strength which derived from wealth, nor the strength which is derived from prescription. It was despised as plebeian by the ancient nobility. It was hated as patron by the democrats. It belonged neither to the old France nor to the new France. It was a mere exotic transplant from our island.’53

In recent years, historians such as François Furet and Pierre Rosanvallon have emphasized the exceptional nature of post-revolutionary French political culture vis-à-vis the liberal model presented by countries such as England or the Netherlands. In their view, the legacy of the French Revolution prevented the French from conceiving a political system in which sovereignty was divided between different political actors, as was the case in England. Nineteenth-century French political culture, they argue, was pervaded by an inherent illiberalism.54 The experience of the French, and in particular of the liberals, with the Chamber of Peers seems to confirm this idea of a French ‘Sonderweg’. Indeed, the debate on the Chamber of Peers might even be said to have stimulated the emergence of a political culture in which a repetition of the republican experiment, with its emphasis not on a balance of powers
but on the indivisibility of popular sovereignty, again became possible. In 1848, the Chamber of Peers was abolished, and the bicameral system was replaced with a unicameral system. By doing so, the revolutionary leadership of 1848 remained within the logic established in the debates of the Restoration period and of 1831.

But to end the story on this note is not entirely correct. For although after 1830 the French gave up any attempts to model their constitution on the English example, the idea of a balance as such did not disappear from French political culture. Throughout the nineteenth century, publicists and political thinkers made different attempts to reconceptualize the notion of a balance of powers. They pointed out, for instance, that even though French society lacked an aristocracy, social divisions existed in other forms; for instance, between the bourgeoisie and the labouring classes. The bicameral system, they believed, should reflect these differences rather than the chimerical distinction between aristocracy and democracy. Other publicists came up with an even more radical reconceptualization of the balanced constitution. They argued that, in an equalized society such as France, power should be divided not so much within the central government but between the central and the local authorities. Decentralization was therefore the most appropriate way to create a pluralist system in France.

Both these solutions were suggested during the debate of 1831. In his brochure Quelques mots sur l'héritéde la pairie (1831), the liberal publicist Edmond Pierson started out by arguing that the English example was no longer relevant, that a hereditary peerage was impossible in France. Nevertheless, Pierson continued, the division of the legislature was absolutely necessary. A conservative upper chamber was indispensable for the stability of the political system. He therefore proposed to turn the Chamber of Peers into the representation of the middle classes, as they had become so important that their interest had become different from that of inferior classes. According to Pierson, the middle classes had become a ‘new aristocracy’, ‘similar to the ancient, by its attachment to the existing order, but without privilege of birth and without exclusive rank, as in its composition it remains accessible to all, distinguishing itself from the mass only by its purely personal advantages, talent, education, wealth’. He therefore proposed that the middle classes, represented in electoral colleges, should elect candidates for the peerage, who would be appointed for life by the king.55

In his brochure De la pairie, des libertés locales et de la liste civile (1831), another contribution to the debate on the hereditary peerage, Joseph Fiévé made a similar argument. He believed that decentralization was a more appropriate way to create a balanced constitution in France than bicameralism. A separate representation of the aristocracy, he argued, had become superfluous in an equalized nation such as France. The equalized condition of the French nation prevented the creation of two powers such as the Lords and the Commons. Attempts to create an aristocracy through legislative means would not have the desired effect, for a created aristocracy did not have personal and collective interests that put it apart and that made it feel the necessity for a particular defence. Fiévé’s objections against a hereditary peerage, as an aristocratic body, were, in other words, purely pragmatic; he quoted England as an example where the peerage had a useful function. There, the peerage defended
interests that were personal and collective at the same time, but in France this was not the case. However, this did not mean, Fiévée emphasized, that the idea of a balance as such was impossible in France. Equalized nations could have a balanced constitution as well. In the United States, one single interest seemed to dominate, but in reality each of the states was a separate power. This showed that the lack of an aristocracy did not imply that 'the country was destined to perish, nor that it needed to lack liberty'. Unlike Pierson, however, Fiévée did not believe that the peerage should represent a non-aristocratic elite. Instead, he argued that, if a third, aristocratic, power was no guarantee for stability in France, local liberties were. Decentralization would prevent the royal power from invading the particular liberties of the citizens. It would also contribute to greater stability, as it would give the citizens the means to resistance against dangerous innovations imposed from above.

Thus, as Pierson's and Fiévée's brochures suggest, the failure of the Chamber of Peers inspired French publicists to look for other models that seemed capable of guaranteeing a pluralist political model in an equalized society. This enterprise can be seen as one of the most interesting intellectual developments in nineteenth-century France. Indeed, the most famous work of political theory of nineteenth-century France, Alexis de Tocqueville's *De la démocratie en Amérique* (1835–40), can be seen as having been conceived in this intellectual context. Like most liberal publicists of the Restoration period, Tocqueville rejected the English model as unsuitable for the equalized French society. And like Pierson and Fiévée, he set out to convince his contemporaries that a pluralist political system could be construed in different ways as well, which were more adapted to the equalized society of post-revolutionary France. In a world where the aristocratic check on central power had disappeared, Tocqueville believed, decentralization was the best way to achieve the balanced constitution necessary for the preservation of liberty and stability.56

It is important to note that the search for a new balance was more than a purely intellectual enterprise. In the course of time, attempts were made to put the proposals to institute a different kind of balance in the French political system into practice. In particular, the constitution of 1875, instituting the Third Republic, can be seen as an attempt to create a political system that, although different from the English political model, was nevertheless pluralist and balanced. The founders of the Third Republic agreed that a bicameral system allowing for the separate representation of the conservative elements of society was necessary. The constitution of 1875 established a system in which legislative power was shared between the president, the Chamber of Deputies, elected through universal suffrage, and the Senate. The majority of the latter’s members were to be elected through indirect suffrage by the local authorities; an additional 75 Senators were to be appointed for life. At the same time, the political system was to a certain extent decentralized: the law of 14 April 1871 made the function of mayor elective in communities of less than 20,000 inhabitants, a measure that was generalized in 1884.57
In short, the experience of the French with the Chamber of Peers was crucial to the development of nineteenth-century French political culture in many respects. The failure of the peerage encouraged the French to emphasize the differences between their society and that of the English. It encouraged them to develop the view that their society was essentially democratic, that it had no room for an aristocratic body—a view that continued to be important for the self-evaluation of the French for the remainder of the nineteenth century. But, at the same time, the experience of the French with the Chamber of Peers stimulated them to find new ways of instituting a balance in the political system that would safeguard the liberty and stability provided by the English model. Thus, an analysis of the response of the French to the Chamber of Peers helps us to see that French political culture was more open to the English model than historians such as François Furet and Pierre Rosanvallon have claimed. Both institutionally and ideologically, the French remained interested in the idea of balance, even when they had rejected the English model as such.

The analysis of the transfer of the English bicameral system to Restoration France therefore allows us to understand a number of important aspects of French political culture. On a more theoretical level, this investigation throws important light on the nature of institutional transfers. It provides a concrete example of how such transfers took place, and how a foreign model was imitated and acculturated in France. Second, this analysis illustrates how important such transfers could be for the development of a specific national culture. As this paper has aimed to show, the English model, despite the failure of the Chamber of Peers, decisively shaped nineteenth-century French political culture. It inspired French attempts to turn onto a new road, away from the legacy of Jacobin unitarianism.

Notes
[1] On the revolutionary institutions: Godechot, *Les institutions de la France*. Under the Consulate and the Empire, a bicameral system with Senate appointed for life was created, but this latter institution did not really share in legislative power. It could only judge whether new legislation conformed with the constitution.
[4] The full text of the preamble can be found in: Rosanvallon, *La monarchie impossible*.
[5] At first, Louis XVIII had reserved to himself the right to appoint life peers; all members appointed in 1814 were appointed for life. However, after the Hundred Days the new peerage was made an exclusively hereditary institution.
[10] See Constant’s *Réflexions sur les constitutions*; and his comments on this episode in his *Mémoires sur les Cent-Jours*, 156.
[14] This book was first published in 1851, but based on courses Guizot taught in 1820–22.
[18] See the brochures cited in note 15.
[20] Clausel de Coussergues, *Considérations*, 138–141. This situation changed slightly in 1815, when the 26 Peers who had rallied to Napoleon’s regime were evicted and 95 new peers were appointed—among them a number of faithful royalists, but members of the imperial nobility as well. But the new creations appointed by Decazes in 1819 recalled almost all Peers evicted in 1815.
[21] The social composition of the peerage during the July Monarchy has been studied in: Tudesq, “Les pairs de France”, 262–283. But Tudesq provides few data that can be used for a comparative analysis.
[27] Fiévé, *Correspondance politique et administrative*, VIII, 34.
[31] F. R. de la Bourdonnaye, quoted in the *Archives parlementaires*, vol. 58, 92.
[33] Cottu, *Des moyens*.
[38] Anon, “De la pairie anglaise”, 214–225. Similar arguments were made by Bonald during the debate about the Law of the Double Vote (*Archives parlementaires*, vol. 27, 627); and by Cottu in his brochure *De la nécessité d’une dictature*, 1–63.
Ibid., 23.


E. de Las-Cases, Ibid., 418–422

A. Jollivet, Ibid., 395–397.

La Mathe, Essai général sur la pairie en France.

Macaualy, Speeches, I, 28.


[56] Tocqueville, De la démocratie en Amérique, esp. Vol. 1, part 4. As far as I know, Tocqueville's writings have not yet been linked to the debate concerning the Chamber of Peers, despite a growing interest in the contextualization of his ideas. On Tocqueville's De la démocratie as an attempt to offer an alternative for aristocratic liberalism: Lamberti, Tocqueville et les deux démocraties, esp. p. 31 and 312.

[57] On the institutions of the Third Republic: Barthélemy, Le gouvernement de la France.

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RÉSUMÉ: Après la défaite de Napoléon, des institutions représentatives furent introduites dans beaucoup d’États européens. En France comme dans d’autres pays, la nouvelle institution fut modelée sur le modèle britannique du bicaméralisme avec une chambre élue et une chambre héréditaire. Cependant la chambre des pairs ne réussit pas à imiter son modèle. Il devint rapidement évident qu’elle ne représentait pas une aristocratie indépendante capable de servir de lien entre la chambre et le roi. Les libéraux de la restauration conclurent de cet échec que le modèle britannique ne correspondait pas à une société nivelée comme la France post-révolutionnaire. En 1831 la chambre des pairs héréditaire fut abolie. Cette expérience de la chambre des pairs semble confirmer l’idée d’une exception française telle que François Furet et Pierre Rosanvallon la décrivent. Cependant l’idée ne disparut pas et cette notion d’équilibre resta dans le discours politique français. Les publicistes Français suggérèrent qu’une constitution équilibrée puisse être imitée sans une institution aristocratique. Cet exemple montre à quel point les transferts institutionnels eurent un impact dans la culture politique française.