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Faces of Moderation:  
Mme de Staël's Politics during the Directory

**In Search of Moderation after the Terror<sup>1</sup>**

In a text written during the Directory, as France was trying to come to terms with the legacy of the Terror, Mme de Staël noted: “Time, wisdom, moderation: these are the only means with which one can found justice and humanity.”<sup>2</sup> While the country badly needed moderation to return to a minimal sense of normalcy, this virtue proved out of reach for Mme de Staël's generation, engaged in a prolonged struggle to constitutionalize the liberties of 1789 and end the long revolutionary cycle that had begun with the fall of the Bastille. Resigned, she came to acknowledge that, during revolutionary periods, “one needs fanaticism to win, and a moderate party will never inspire fanaticism.”<sup>3</sup>

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<sup>1</sup> This essay draws on chapter five of my forthcoming book, *A Virtue for Conservative Minds: Moderation in French Political Thought, 1748-1830*. I would like to thank Princeton University Press for granting permission to use this material for the present essay. Also thanks to the Institute Michel Villey and Professors Denis Baranger and Philippe Raynaud for their invitation to present my work at the Institute in May 2010.

<sup>2</sup> Germaine de Staël, *Des circonstances actuelles qui peuvent terminer la Révolution et des principes qui doivent fonder la république en France*, ed. Lucia Omacini (Geneva: Slatkine, 1979), 313 (henceforth abbreviated as *DCA*). A revised version of this text (along with an outstanding introductory study by Bronislaw Baczko) was published in the new series of Mme de Staël's complete works, *Série III: Œuvres historiques, Tome I, Des circonstances actuelles et autres essais politiques sous la Révolution*, ed. Lucia Omacini et al. (Paris: Honoré Champion, 2009; henceforth abbreviated as *OCS(NS) III:1*). I reviewed this volume in “Flirting with republicanism: Mme de Staël's writings from the 1790s.” *History of European Ideas* 36: 3 (September 2010): 343-46. On Mme de Staël's circle, see *Coppet, creuset de l'esprit libéral. Les idées politiques et constitutionnelles du groupe de Madame de Staël*, ed. Lucien Jaume (Marseille and Paris: Presses Universitaires d'Aix-Marseille and Economica, 2000).

<sup>3</sup> G. de Staël, *Œuvres Complètes de Madame la baronne de Staël publiées par son fils*, (Paris: Treuttel and Würtz, 1821), I: 54 (henceforth abbreviated as *OCS, I*).

Along with Benjamin Constant, whom she had met for the first time in September 1794, she returned to Paris in the spring of 1795, accepting the republican regime as a *fait accompli*. Yet, she was fully aware of the daunting challenges France faced in the aftermath of the Terror. The practices of the Old Regime had corrupted the people and public morality but, she argued, they had also paved the way for the horrors of the revolution by instilling in the lower classes a desire for vengeance and a profound hatred of inequality and all distinctions of rank. Although the general wish of the French nation was to establish free institutions, there was a high level of political instability, which was matched only by the general ideological confusion. Therefore, the prevailing uncertain climate was ripe for opportunism. At war against European powers, France was confronted with an acute depreciation of paper money, and peace with England seemed a distant and unlikely prospect as leading British intellectuals and politicians (like Burke) questioned or opposed making peace with a regicidal government.

If the legacy of the Terror was evident everywhere, it was arguably nowhere more apparent than in the legislative realm. Many of the laws passed during Robespierre's reign continued in effect; although never properly implemented, the Constitution of 1793 had not been abrogated yet. The former power of the Jacobins still inspired fear and the political agenda of the ultraroyalists was dominated by their desire for revenge, as illustrated by the famous Verona Declaration issued in 1794 by Louis XVI's brother. Under the influence of vocal ultraconservatives such as the Comte d'Antraigues, the future king Louis XVIII rejected all the changes that had been made in France since 1789, thus giving the impression that the only possible way out of the crisis was a return to the institutions of the Old Regime. Moreover, the new regime not only refused to give the nobles and clergy the same legal securities as other citizens enjoyed, but showed a willingness to resort to extreme revolutionary measures that belied any appearance of legality and shut many individuals out from the protection of the law.

It was against this background that the decree of October 24, 1795 was passed, excluding from any public employment the relatives of émigrés and all those who had voted for liberticidal projects. The decree signaled the fact that the new regime was intent on banishing or imprisoning those suspect of being attached to the Old Regime, as well as other categories of individuals whose commitment to the republic was regarded as dubious. The republic was now in the hands of the members of the Convention. This, Mme de Staël noted, was a great misfortune, because many of the deputies had contracted indelible "habits of servility and tyranny"<sup>4</sup> and had been tainted by their association with the government of the Terror.

Coming to terms with the institutional and moral consequences of the latter

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<sup>4</sup> G. de Staël, *Considerations on the Principal Events of the French Revolution*, ed. Aurelian Craiutu (Indianapolis: Liberty Fund, 2008), 376 (henceforth abbreviated as *CPE*). The most recent French edition was published by Tallandier in 1983 (ed. Jacques Godechot).

proved to be a daunting task, one carried out amidst a general cacophony of self-incrimination and moralizing that blurred the lines between good and evil. “The apologies of those who shared in the Reign of Terror,” Mme de Staël remarked,

... formed truly the most inconceivable school of sophistry which it was possible to witness. Some said that they had been constrained to whatever they had done, though a thousand actions of spontaneous servility or cruelty might have been cited against them. Others pretended that they had sacrificed themselves to the public good, though it was known that they had thought only of self-preservation; all threw the evil upon some individuals ... several political leaders gave fear, and nothing else, as a sufficient excuse for their conduct.<sup>5</sup>

All this made it difficult to find a simple and convincing explanation for the errors of the past, difficult even to distinguish between the agents of evil and their victims. Against those who insisted that republican principles and ideas were responsible for the Terror, Mme de Staël argued that the best proof of the excellence of republican principles was that the revolution could be brought to an end *only* with their aid. Republican principles, she insisted, were the only means of closing the revolutionary chapter and founding the new institutions that the country so badly needed.<sup>6</sup> The errors of the past, she opined, could be accounted for by the existence of a strong opposition to the revolution and by the fact that the republic had arrived in France prematurely, before the advent of republican ideas and mores, which alone could have ensured a firm foundation for the new republican institutions.<sup>7</sup> The proliferation of revolutionary laws made things worse, since they tended to make crises permanent, thus opening the door to arbitrariness.

Did moderation have a real chance in this unstable environment fraught with uncertainty and riven by moral and ideological confusion? What could a moderate voice have done to promote a coherent and successful reformist agenda? Upon her return to Paris in April 1795, Mme de Staël lost little time in attempting to secure a new place for herself in the midst of once-brilliant Parisian society. She acted the part of a political force, commanding respect and attention and taking a strong interest in the deliberations of the constitutional committee entrusted with the drafting of the Constitution of 1795. She reopened her salon on the rue du Bac, which attracted this

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<sup>5</sup> *Ibid.*, 377–78. For an analysis placing Mme de Staël’s writings in the Thermidorian context, see Biancamaria Fontana, “The Thermidorian Republic and Its Principles,” in Biancamaria Fontana, ed., *The Invention of the Modern Republic* (Cambridge: Cambridge University Press, 1994), 118–38. For more details on this period, see Bronislaw Baczko, *Comment sortir de la Terreur* (Paris: Gallimard, 1989); Andrew Jainchill, *Reimagining Politics after the Terror* (Ithaca: Cornell University Press, 2008); Claude Nicolet, *L’idée républicaine en France (1789–1924): Essai d’histoire critique* (Paris: Gallimard, 1982), Part 1.

<sup>6</sup> Staël, *DCA*, 33, 39–40, 42.

<sup>7</sup> *Ibid.*, 34–35, 40. Compare this explanation with the slightly different account given in *CPE*, book 3, chapters XVI, XVIII.

time an eclectic audience mirroring the fragmented political landscape of the time. The house of Mme de Staël, La Revellière and Thibaudeau noted (not without irony), was the influential center of a “*coterie*” desirous of playing a great role in public affairs.<sup>8</sup> Among her guests were influential politicians and writers such as Boissy d’Anglas, Lanjuinais, Lezay-Marnésia, and Roederer.

Mme de Staël summarized her new republican (moderate) political agenda in *Réflexions sur la paix intérieure* which, unlike the previous *Réflexions sur la paix* addressed to Pitt, were printed but never distributed, mostly out of prudential considerations, at the recommendation of her close friend, François de Pange (only a few copies of the original print survived).<sup>9</sup> In a letter sent to the editors of *Des nouvelles politiques, nationales et étrangères* on June 3, 1795, Mme de Staël reaffirmed her attachment to the values and principles of the French Republic in unambiguous terms. Responding to accusations that had appeared in the press casting doubt on her republican credentials, she stated that she sincerely desired “the consolidation of the French Republic upon the sacred foundations of justice and humanity,” adding that under the then existing circumstances only a republican government could give France the peace and liberty that the country needed.<sup>10</sup> She attempted to rally all the friends of liberty against the twin dangers of anarchy and royalist extremism. “Since the revolution of the 9th Thermidor,” she wrote in early June 1795, “there are, in France, only two influential parties: the friends of a just and free Republic, whom all the enlightened and patriotic French citizens want to join; and the agitators promoting a bloodthirsty anarchy which everyone must reject.”<sup>11</sup> Although at first she seemed more concerned about the extreme left than about the ultraroyalists, she eventually came to believe that the existence of *both* extremes threatened to destabilize the new regime. In her view, the survival of the latter depended on the creation of a *parti mitoyen*, a political center large enough to include moderates from all camps, including surviving Girondists and committed Thermidorians, who, by putting aside for a moment their differences, could agree on a set of common values capable of restoring social peace and promoting institutional stability.

Establishing such a center, however, proved impossible. The moderates, who were expected to occupy or lead it, were far from being united.<sup>12</sup> And Mme de Staël,

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<sup>8</sup> Marc Lahmer, *La Constitution américaine dans le débat français, 1795–1848* (Paris: L’Harmattan, 2001), 170–71.

<sup>9</sup> See Lucien Jaume’s introduction to the critical edition of Staël’s text in *OCS(NS)*, III: 1, 123–32.

<sup>10</sup> Madame de Staël, *Correspondance générale, Tome III. Deuxième partie. Lettres d’une nouvelle républicaine, 17 mai 1795-fin novembre 1796*, ed. Beatrice Jasinski (Paris: Jean-Jacques Pauvert, 1972), 7 (henceforth abbreviated as *CGIII*: 2). Roederer published a very favorable review of *Réflexions sur la paix intérieure* in which he praised Mme de Staël’s republicanism.

<sup>11</sup> Staël, *CGIII*: 2, 8.

<sup>12</sup> A former member of the Mountain and convinced republican, Thibaudeau, also dreamt of establishing a republic of the center. See Pierre Serna, *La République des girouettes (1789–*

given her own political situation, was not prepared to play the role of the presumptive leader of such a party. Necker's name was still on the list of émigrés, and his assets had not yet been returned to his family. In spite of her declaration of allegiance to the French Republic, her status remained uncertain; she was still considered a foreigner (and she would have to lobby hard to have her French citizenship recognized).<sup>13</sup> As wife of the Swedish ambassador to Paris, she had hoped that Sweden's *ouverture* toward republican France would benefit her image and status. But on August 18, 1795, shortly before the adoption of the new constitutional text, Legendre denounced Mme de Staël in the Convention as the greatest protector of the émigrés. She was criticized for playing the role of a “*sirène enchanteresse*,” seeking to corrupt the leaders of the republic and plotting with the royalists to topple the government.<sup>14</sup> A few months later, in October 1795, the Committee of Public Safety ordered her to leave France within ten days, and then placed her under constant surveillance in Switzerland, soliciting and receiving from its informants detailed reports about her whereabouts.<sup>15</sup> Monachon, one of the spies paid by his superiors in Paris to follow her activities, commented on the alleged versatility of Mme de Staël, accusing her of insincerity and criticizing her desire to ingratiate herself with all parties. According to him, she made every effort to appear as a royalist among the émigrés and as friend of democracy among the patriots.<sup>16</sup>

It did not take Mme de Staël long to discover that in such a climate of intransigence, extreme opinions were more likely to attract followers than moderate ideas. She eventually came to doubt that reason could triumph over fanaticism,<sup>17</sup> but

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1815... et au-delà). *Une anomalie politique: La France de l'extrême centre* (Paris: Champ Vallon), 477–85.

<sup>13</sup> In October 1796, Mme de Staël asked Roederer to refer to her, in his review of her work on the influence of passions, as a “French” patriot and French citizen by birth and residence; see Staël, *CGIII*: 2, 249.

<sup>14</sup> For a few passages from Legendre's speech, see Staël, *CGIII*: 2, 43. Legendre's denunciation was followed by the publication of a moving *éloge* of Mme de Staël in *Nouvelles politiques nationales et étrangères* on August 26, 1795. On October 25, the Convention voted a harsh law against the émigrés, excluding them from all public functions, along with their relatives.

<sup>15</sup> In May 1796, the minister of the police, Cochon de Lapparent, fearing a secret alliance between Mme de Staël and the émigrés, sent an emissary to Coppet to follow and arrest her if she tried to cross the border into France. For more information, see Staël, *CGIII*: 2, 165–66, 190–91. As Béatrice Jasinski pointed out, it is likely that the characterization of Mme de Staël as *persona non grata* in France was due to a transcription error on the part of the officer of the department of Ain.

<sup>16</sup> For an extract from Monachon's secret report about Mme de Staël calling into question her republican credentials and accusing her of opportunism, see Staël, *CGIII*: 2, 194.

<sup>17</sup> Here is what Mme de Staël wrote: “Dans un temps de révolution, il faut du fanatisme pour triompher, et jamais un parti mixte n'inspira du fanatisme. Les Vendéens et les républicains peuvent se battre, et la chance du combat rester incertaine. Mais toutes les opinions placées entre les deux partis exigent une sorte de raisonnement dont un esprit enthousiaste est incapable” (*OCS*, I: 54). During a private dinner with a few friends who belonged to the

continued to believe that pluralism and moderation could act as a rallying point for all friends of liberty and a stabilizing force for the French Republic. In particular, she opposed any form of political Puritanism, arguing that a one-size-fits-all approach was unsuitable to a context in which everyone had previously made compromises and bowed under the yoke of circumstances.<sup>18</sup> To deal with such a complex situation, Mme de Staël argued, moderation was needed, along with a (legal) “dictatorship of institutions,” which she contrasted with the dictatorship of persecutions and arbitrary power. Only such a *dictature des institutions* could promote the rule of law and foster liberty and morality in the long-run.<sup>19</sup>

She embraced the ideal of a liberty *above* or *beyond* all parties, believing that one must support whatever government had the best chance of promoting civil and political liberty: “It is around the sacred love of freedom, around this feeling that requires all the virtues, which electrifies all souls... it is around its real meaning that one must rally.”<sup>20</sup> While most people want to be free, she argued, many abuse liberty; only enlightened minds know how to become and remain free.<sup>21</sup> In fact, during the revolution no word had been abused more than “liberty.” It had been invoked by its overzealous friends to justify the elimination of their opponents, denounced as enemies of the republic. “Liberty” had been on the lips of those who took part in the fall of the Bastille and of those who drafted and ratified the Constitutions of 1791 and 1793. Yet, genuine political liberty had long eluded France. Indeed the country

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camp of moderate constitutionalists, she claimed: “Dans un état de fermentation, toutes les opinions extrêmes tendent à prévaloir, et vous, constitutionnels modérés, après avoir été victimes sous le règne d’une faction sanguinaire, vous le serez encore sous le règne d’une faction violente” (Staël, *CGIII*: 2, 48). See also the following fragment: “L’impulsion, le choc d’une révolution fait aller les opinions aux deux extrêmes opposés; non seulement un troisième parti est difficile à faire triompher, mais il faudrait que les constitutionnels en soutinssent un quatrième; et un tel équilibre, à travers tant d’écueils, paraît tout à fait impossible” (Staël, *OCS*, I: 48).

<sup>18</sup> “Nous avons tous transigé pour le bien avec le mal: ce joug des circonstances a pesé sur les cœurs les plus purs... rien aujourd’hui n’est vrai, rien n’est équitable, que d’une manière relative” (Staël, *OCS*, I: 59).

<sup>19</sup> “Vous avez à choisir entre la dictature des institutions et celles des persécutions, et je préfère de beaucoup la première... S’il faut une dictature, c’est-à-dire une suspension de l’exercice de la volonté de tous, comment ne pas la chercher dans des institutions légales, au lieu de l’abandonner à des violences arbitraires?” (Staël, *DCA*, 177).

<sup>20</sup> Staël, *OCS*, I: 46. Also: “Cette fermentation brûlante produit un monde nouveau; un jour peut rendre impossible le plan de la veille; et c’est pour qui tend toujours au même but, la liberté, que les moyens changent sans cesse” (*ibid.*, 50). The standard reference work remains Basil Munteano, *Les idées politiques de Mme de Staël et la Constitution de l’an III* (Paris: Les Belles Lettres, 1931), 17. To Roederer, Mme de Staël wrote on July 17, 1796: “La république de 1795 est la moralité de tous les temps” (Staël, *CGIII*: 2, 9). On August 20, she remarked: “Que la Constitution soit entre les mains des honnêtes gens, et cette Constitution sera reconnue ce qu’elle est, la plus raisonnable de l’univers” (*ibid.*, 230).

<sup>21</sup> “Les hommes ignorants veulent être libres; les esprits éclairés savent seuls comment on peut l’être” (Staël, *OCS*, I: 46).

seemed destined to rove the political seas forever in search of its final haven, that elusive political center capable of reflecting the country's emerging pluralism.

"Everything which partakes of reason, justice, and humanity," Mme de Staël wrote, "demands attention, concessions, and a reason always adjusted to the present moment without losing sight of the future; and it is honorable for the public person in charge of the interests of the nation to seek compromises in each case."<sup>22</sup> In particular, she criticized the inflexibility and stubbornness of radicals on both sides, whose rigid adherence to principles was not, she contended, a virtue in this conflict-ridden post-revolutionary context, which demanded instead prudent concessions and accommodation. Praising flexibility, she renewed her call for a center between all parties, insisting that the pursuit of absolute principles (perfect justice or equality) was a costly illusion. Many flawed constitutions and forms of injustice had arisen from the legislators' lack of pragmatism, illustrated by their failure to consider all the facets of political affairs and their inability to understand the inherent complexity of the political sphere:

Everything is exchange, everything is compensation, everything is a calculation of surplus. Where, on this planet, does one see a good without any inconveniences?... A legislator can always endorse only the law or the institution which contains a greater dose of good than evil. Any absolute [principle] is a true impossibility. In the political realm, utopians dream of a kind of moral fairytale whose miracles would be worth the enchanted cup, the horn of Astolphe. Their readers do not always see the supernatural in the abstraction and believe in these metaphysical miracles, as our children do in the wonders of the golden lamp.<sup>23</sup>

Nothing illustrates better Mme de Staël's moderate political agenda than the ideas in *Réflexions sur la paix intérieure*, a sophisticated manifesto at the heart of which lies the concept of political moderation. Her text advocated three principles which had also been endorsed by Necker: bicameralism, a strong and independent executive, and respect for private property. She avoided highly controversial topics, such as the renewal of the Convention, a subject likely to deepen further the rifts between competing parties. Seeking to reach out to moderates on both sides, her text was an invitation to reconciliation addressed to partisans of limited monarchy and defenders of an elitist form of republicanism based on limited suffrage, whom she invited to rally around a common value, "the sacred love of liberty."<sup>24</sup> On the one hand, Mme de Staël appealed to constitutional royalists who were committed to political and civil liberty but still reluctant to accept the legitimacy of the new republican principles. On the other hand, she reached out to moderate republicans

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<sup>22</sup> Staël, *DCA*, 313.

<sup>23</sup> Staël, *OCS*, I: 49. As Lucien Jaume has noted, this view seems to contradict Mme de Staël's later skepticism toward invoking circumstantial justifications in *De l'Allemagne* (Part III, Ch. XIII).

<sup>24</sup> Staël, *OCS*, I: 46.

concerned with order and legality but as yet unwilling to cooperate with partisans of monarchy, including constitutional royalists. She sought to mobilize all these moderates to form a strong center which, she believed, was seminal for the stability and future of the republic. In her opinion, apart from their attachment to monarchy, the principles of royalist constitutionalists coincided with the interests of moderate republicans. She referred to the two groups as belonging to the same “party,” pursuing similar goals by different means, and invited them to seek a middle ground where they could reconcile their differences through mutual concessions, leaving aside, as much as possible, personal rivalries and dreams of vengeance. She warned both groups not to misjudge their allies and own forces and asked them to focus on their common interest in strengthening the executive power. “In the end,” Staël argued,

Republicans and royalists, the friends of freedom, regardless of their opinion on the future, must follow the same road. If you are a republican, you must strengthen the executive power so that anarchy does not bring back the monarchy. If you are a royalist, you must strengthen the executive power so that the nation becomes accustomed again to being governed, and the spirit of uprising is contained. If you are a republican, you must wish that positions be occupied by honest individuals who will make the new institutions dear to the people. If you are a royalist, do not give up on elections, and try to make that people choose the most virtuous ones as their representatives.<sup>25</sup>

She added that one group “must sacrifice monarchy to the certainty of liberty,” while the other should be prepared to sacrifice “democracy to the guarantee of public order.”<sup>26</sup> An alliance between constitutional republicans and moderate royalists, she maintained, was both necessary and timely, and it was the only coalition that could have save the republic from ruin.

A couple of years later, Mme de Staël renewed her call to compromise in a letter to Roederer (April 1797), the editor of the *Journal de Paris*, a republican who had remained skeptical toward the Directory. Once again, she resorted to a powerful rhetorical arsenal in order to convince him to rally to the support of the endangered republic. The republicans, she admitted, had committed injustices, but they represented the lesser evil and deserved to be supported by all friends of liberty. The new political circumstances did not allow for hesitation or impartiality: faced with the possibility of a right-wing reaction, one had to be either for or against the Directory.<sup>27</sup>

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<sup>25</sup> *Ibid.*, 53.

<sup>26</sup> *Ibid.*, 58.

<sup>27</sup> To Roederer’s reservations about Constant’s *Des réactions politiques*, she replied: “Vous vous amusez à combattre des ombres, tandis que l’ennemi le plus redoutable, l’ennemi sans appel, est à vos portes... Les républicains ne sont pas si aimables, j’en conviens, mais qu’importe ce qu’ils sont lorsque la liberté périclité de toutes parts? Vous rassemblez aux girondins qui, menacés par les jacobins, criaient sans cesse au royalisme. Il n’y a de danger

Mme de Staël's claim that the greatest danger came from the ranks of the ultraroyalists might have been a rhetorical exaggeration on her part, signaling a shift from her earlier belief that the greatest danger to the republic was posed by the Jacobins. Whether this argument was a mere sophism used by proponents of the center to discredit their extremist opponents is a different question. Suffice it to say that such an interpretation would not render justice to the complexity and richness of Mme de Staël's republican agenda. The only lasting cure for fanaticism, she averred, was the sovereignty of law and a wise blending of institutions capable of promoting the interests of disparate social and political groups.

It was in this context that Mme de Staël renewed her appeal for moderation and reasonableness, inviting moderates from both camps to join the "real" majority which, she opined, could alone express the permanent interests of the French nation.<sup>28</sup> She took to task radical republicans for having been immoderate in their attachment to democratic principles, and reminded them that only an ordered form of liberty could effectively defuse political fanaticism. The antidote to anarchy lay, she insisted, in moderation and the rule of law. The "torches of the furies" could be extinguished only through the principles of representative government. Only they could adequately promote limited power, create a proper balance of powers in the state, and provide for the orderly participation of the people (through their representatives) in the exercise of legislative power. The republicans' agenda, she went on, must aim at strengthening their electoral and political base by recruiting new members from the ranks of moderate royalists. Mme de Staël called upon republicans to avoid appearing weak and hesitant and argued that they ought to be generous and open toward their opponents as well as firm in their commitment to governing the country. Their moderation of method and tone, she added, had to be combined with a bold political agenda and firmness in exercising political power: "Today, a new system must guide the ruling party. The latter had previously been violent and detached, and must now be ambitious and moderate. It must relinquish power under no pretext, and, step by step, it should rally around it the support of the majority of the nation."<sup>29</sup> Worth noting here is the association between moderation, assertiveness, and power, and the implication that one can (and should) act like a moderate not only in opposition, but also while in power. This boldness is the mark of "good" moderation, and distinguishes it from the kind of moderation that has its origin in fear, timidity, powerlessness, or indifference.<sup>30</sup> As such, "true" moderation is *not* incompatible with

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que du côté de l'aristocratie, et là est la haine éternelle" (quoted in Henri Grange, *Benjamin Constant amoureux et républicain. 1795–1799* (Paris : Les Belles Lettres, 2004), 163–64).

<sup>28</sup> The distinction between "legal" and "real" majority can also be found in the writings of Roederer, most notably: "De la majorité nationale de la manière dont elle se forme et des signes auxquels on peut la reconnaître, ou théorie de l'opinion publique" (1795), republished in *Mémoires d'économie publique, de morale et de politique* (Paris: Imprimerie du Journal de Paris, 1799), I: 75–88 as well as in Lucien Jaume, *Échec au libéralisme: Les Jacobins et l'État* (Paris: Kimé, 1990), 98–105.

<sup>29</sup> Staël, *DCA*, 132.

<sup>30</sup> Mallet du Pan denounced the latter as follows: "Cette modération qui a le cachet de la peur

passionate commitment to a cause—in this case, republicanism and representative government—and ought *not* to be interpreted as an expression of weakness or indecisiveness.

Mme de Staël’s appeal to moderation, which she sought in a hypothetical *juste milieu* between extremes, did not bear fruit and ultimately made her suspect in the eyes of many, both monarchists and republicans. Even Thibaudeau, who shared Staël’s republicanism, expressed skepticism toward her moderate agenda because it came from a person “who was receiving the Jacobins in the morning, the émigrés in the evening, and everyone else at dinner.”<sup>31</sup> While it is true that Mme de Staël counted among her guests members of the republican government, former émigrés, and writers seeking the favors of the new regime, it is also possible to interpret her ecumenical attitude as an expression of her commitment to moderation and an attempt to find a political anchor in a new environment. She defended moderation while also appearing to be an immoderate partisan of the new republican regime. Was this an example of her alleged versatility, or a necessary concession to circumstances? Did her attitude repose upon a set of principles that she never abandoned? In a “*république de girouettes*,”<sup>32</sup> almost anything was possible, including being a republican of the “extreme center.”

## **Rebuilding Representative Government: The Constitution of 1795**

Mme de Staël’s *Réflexions sur la paix intérieure* and *Des circonstances actuelles* were important contributions to the debate on “ending” the French Revolution. Though the main principles defended in these writings overlapped with those of Necker, she parted company with her father when it came to the preferred form of government. In a 1795 letter to Henri Meister, Necker distanced himself from his daughter’s new republican faith, indicating that, like Constant, she seemed “a little too much inclined” to forgive the means employed by the new republican government in the pursuit of its goals. “I am far from seeing things in the same way,” Necker acknowledged.<sup>33</sup>

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et que fort peu de gens croient utile et systématique, enfin cette *indifférence* affectée sur des dangers qu’on n’a l’air ni de prévoir ni de vouloir prévenir, font perdre aux Conseils ces avantages moraux et politiques qui feraient triompher leur cause, sans aucun doute, s’ils osaient en faire usage” (quoted in Staël, *DCA*, 138–39, n. 4).

<sup>31</sup> A. C. Thibaudeau, *Mémoires sur la Convention et le Directoire* (Paris: Baudoin Frères, 1824), II: 211.

<sup>32</sup> I borrow the term from Serna, *La République des girouettes*.

<sup>33</sup> Necker’s letter to Meister is quoted in Henri Grange, *Les idées de Necker* (Paris: Klincksieck, 1974), 462. I analyze Necker’s political moderation in chapter four of *A Virtue*

Mme de Staël's declaration of republican faith is particularly interesting because it demonstrates that moderation can go hand in hand with assertiveness and strong political (even partisan) commitments. Her allegiance to republican principles did not rely on a putative belief in the superiority of the republican form of government, and should not be regarded primarily as a simple emotional attachment or an opportunistic change of mind courting the favor of the new government. Mme de Staël thought that a free and just republic was called forth and justified by the new political circumstances rather than by abstract principles. "I sincerely wish the establishment of the French Republic upon the sacred bases of justice and humanity," she confessed. "I desire it because it has been made clear to me that, under the current circumstances, only the republican government can give France peace and liberty."<sup>34</sup> In a letter to Alexandre Lameth dated November 24, 1794, she justified her allegiance to the First Republic by arguing that remaining uncommitted between the republican regime and the "monarchy of Condé" was an irresponsible position. In her view, it was reasonable to endorse the republican regime and try to prudently guide it by grounding it on the principles of justice and humanity. The republic was a *fait accompli* and any attempt to subvert it was likely to create even more instability and anarchy in a country already exhausted by six years of revolutionary turmoil. Mme de Staël appeared now as a genuine supporter of the republic, even though she continued to believe that republican institutions had been introduced in France abruptly, before the corresponding mores that should have served as their foundation were in place. These republican principles and institutions had, at least, the advantage of being perfectible and could eventually bring forth liberty, stability, and peace.

Two words stand out in Mme de Staël's passionate plea for an ordered republic in 1795: "calm" and "console." France, she argued, needed internal peace and reconciliation in order to exit the revolutionary orbit, which had so, depleted its human and material resources. The republican constitution enjoyed a great advantage; it would be readily endorsed by all parties if only because the people were weary of the revolutionary turmoil:

It can be implemented effortlessly and will come into being, if nobody opposes it; the force of inertia works in its favor; the government only needs to promote peace. ... But if people want to fight, the fate of freedom will be uncertain. If nobody wants to reopen any wounds... if people move forward without destroying, the republic will be consolidated, almost unnoticed by those who do not want it.... In France, with the exception of the Vendée, there is currently no fanatic allegiance to the monarchy; all reasonable individuals are in favor of the republic.... It is thus necessary to calm and console; this simple idea is the key secret of this moment. Even within the most radical parties, people are tired.

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*for Courageous Minds.*

<sup>34</sup> Quoted in G. E. Gwynne, *Mme de Staël et la Révolution française* (Paris: A.-G. Nizet, 1969), 29.

The constitution must accommodate all those who are tired of revolutions; we must welcome them, and put an end to all the misfortunes which it is still in our power to redress.<sup>35</sup>

France, Mme de Staël continued, had missed the opportunity to create a constitutional monarchy *à l'anglaise* in 1789–179, and a second chance at such a form of government, she averred, would be possible only after the country had passed through a period of military government: “France can stop at the republic; but in order to arrive at a mixed monarchy, it will have to pass through a military government.”<sup>36</sup> France had few sound political institutions and too many revolutionary laws impeding their proper functioning; hence, it needed new institutions capable of creating a genuine balance of power and promoting constitutional peace in keeping with the principles of republican government and equality under the law. The latter, Mme de Staël added, demanded recognizing the right of each man who fulfils the conditions required for citizenship to participate, through his representatives, in the formation of the laws. Representative institutions and principles alone could achieve this task because they express “the immutable principle of equality of political rights.”<sup>37</sup>

The fact that Mme de Staël referred to representative government rather than democracy should not go unnoticed. Her views on representative government reflected, in fact, the conventional wisdom of her time, privileging an elitist form of republicanism (purified of its extreme democratic tendencies) and the liberty of the moderns, grounded in respect for individual rights and security of property.<sup>38</sup> Since democracy was equated with monocracy and a corrupted form of popular sovereignty that had been used to legitimize the Jacobin dictatorship, moderating and purifying democracy became a priority for French post-revolutionary liberals, including Necker and Mme de Staël. To this effect, they advanced a nuanced critique of equality, emphasizing the importance of property qualifications for granting political rights. Mme de Staël cast doubt on the necessity for two-degree elections and rejected hereditary privileges, calling for rethinking the principle of representation and the frequency of elections. The final goal was, in her own words, the creation of “*une aristocratie des meilleurs*”<sup>39</sup> capable of correcting the shortcomings of extreme equality. Such a system, defined as “the government by the few, with power placed in the hands of the most enlightened, most virtuous, and most courageous,”<sup>40</sup> was, in her

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<sup>35</sup> Staël, *OCS*, I: 61.

<sup>36</sup> Staël, *DCA*, 48.

<sup>37</sup> See *ibid.*, 143–52.

<sup>38</sup> See Gerard Gengembre and Jean Goldzink, “Une femme évolutionnée: le Thermidor de Mme de Staël,” *Annales Benjamin Constant*, 8–9 (1988): 275–91. See also Henri Grange, “Mme de Staël et la Constitution de l’an III: avant et après,” in Gérard Conac and Jean-Pierre Machelon (eds.), *La Constitution de l’an III: Boissy d’Anglas et la naissance du libéralisme constitutionnel* (Paris: PUF, 1999), 183–99.

<sup>39</sup> Staël, *CGIII*: 2, 275.

<sup>40</sup> Staël, *DCA*, 188.

view, better suited than political democracy to meet the needs of French post-revolutionary society.

Mme de Staël insisted that a well-ordered representative government based on free elections was *not* incompatible with the presence of a “natural” aristocracy such as would recognize the presence of natural superiorities in society and prevent leveling in the name of a fictitious equality. “Those who govern must own property,” she confidently wrote, adding that representing the interests of the propertied classes must be complemented by acknowledging the role of “*les vertus et les lumières*” in the representation of the entire society.<sup>41</sup> Hence, the task of the government was to reward the “natural superiorities” existing in society by giving them the opportunity to participate in central and local government.

The following fragment clearly illustrates Mme de Staël’s skepticism toward political democracy, which can also be found in many other writings of the period. The future of property and the association of thirty million individuals were too important to be decided by the speculations or whims of only a few individuals:

These two great modifications of natural freedom demand first representative government instead of personal democracy, the division into two assemblies, and a strong executive power. Thus, strictly speaking, there is no democracy in the French constitution. It is a natural aristocracy, in opposition to a factitious aristocracy; it must be the government of the best... This kind of government which promotes natural inequality in order to destroy more effectively an artificial inequality... is an entirely new political system and we misunderstand it when we confuse it with the laws of democracy.<sup>42</sup>

Worth noting here is the link between representative government, property, liberty, and the balance of powers, as well as the idea that political democracy, if not properly purified of its (allegedly) radical tendencies, fails to give due consideration to all these principles and values.

The concept of a “modern liberty,” which would be elaborated by Constant two decades later, played a central role in Mme de Staël’s political writings during the Directory (the concept had previously been used by Sieyès in a different context). She argued that in modern society, laws must protect private property and the private sphere from any form of illegitimate interference. “The liberty of present times,” Staël wrote, “consists of everything that guarantees the independence of citizens against the power of the government.”<sup>43</sup> She contrasted modern societies, in which citizens were allowed to freely pursue their self-interest, with ancient republics that gave priority to civic virtue and asked their citizens to sacrifice their individual interests for the sake of the common good. Such a demand, Mme de Staël argued, ceases to be legitimate in the context of modern society in which it is no longer

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<sup>41</sup> *Ibid.*, 169.

<sup>42</sup> *Ibid.*, 169–70.

<sup>43</sup> *Ibid.*, 111.

possible to expect citizens to spontaneously identify with the “common good.” What motivates modern individuals is, instead, the pursuit of private interests, and these must be duly respected by the laws.

Hence, protecting modern liberty and personal interests was the only way to end the revolutionary cycle and make representative institutions work: “In order to finish the revolution, one must find a center and a common link.... This center which we need is property; this link is personal interest.”<sup>44</sup> Mme de Staël insisted, moreover, that representative government must rely upon a sound distribution of powers and a proper representation of interests, defined as “the political combination through which the nation is governed by people who are chosen and combined in such a way that they have the will and interests of all.”<sup>45</sup> By simply increasing the number of representatives, she warned, the legislators might paradoxically strengthen the spirit of faction. When the spirit of faction dominates a legislative body, the principle of representation becomes corrupted and the will of the people no longer has a trustworthy interpreter and defender. A well-designed representative system, she believed, must therefore be an adequate reflection in miniature of public opinion at large, and ought to take into account the interests of both the progressive and conservative elements in society, by trying to reconcile civil equality with political and economic inequality.

Most of these principles, including bicameralism, were enshrined in the final text of the Constitution of 1795 voted by the Convention on August 22. Of all the members of the Commission of Eleven, Mme de Staël was particularly close to Boissy d’Anglas and Lanjuinais, whom she praised as “names which always meet us whenever a ray of freedom gleams over France.”<sup>46</sup> She welcomed the pragmatic spirit evinced by the members of the commission who drew upon the American and English constitutions in order to give a more solid anchor to the new republican institutions in France. She also agreed with eligibility criteria for the legislative body that reintroduced property qualifications and limited suffrage. Most importantly, she was pleased that the Constitution of Year III endorsed the principle of bicameralism, which she regarded as a moderating element indispensable to securing *la pondération des pouvoirs*. At the same time, like Necker, Mme de Staël was concerned that the new constitutional text did not create an adequate balance of powers, opting instead for a system in which the executive and legislative powers did not share in the exercise of the legislative function.<sup>47</sup>

Mme de Staël had already commented on the right of veto in *Réflexions sur la*

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<sup>44</sup> Staël, *OCS*, I: 58.

<sup>45</sup> Staël, *DCA*, 19.

<sup>46</sup> Staël, *CPE*, 379; she also included Daunou on this list. The contribution of these thinkers to the development of French liberalism is analyzed in Jean-Paul Clément, *Aux sources du libéralisme français: Boissy d’Anglas, Daunou, Lanjuinais* (Paris: Librairie Générale de Droit et de Jurisprudence, 2000).

<sup>47</sup> See Jainchill, *Reimagining Politics*, 26–61; Lahmer, *La constitution américaine*, 135–64; and Stefano Mannoni, *Une et indivisible. Storia dell’accentramento amministrativo in Francia* (Milan: Giuffrè, 1994).

*paix intérieure*, and she returned to it a few years later in *Des circonstances actuelles*, where she examined the veto in connection with the role of the executive power. From the very beginning, she expressed her hope that the country would have the wisdom to learn from the mistakes of the past. “The suspensive veto,” she remarked, “produced within the Convention the same effect that M. Lally’s proposal on bicameralism had caused in the Constituent Assembly. Will the executive power have to pay the same price in order to obtain the strength necessary to the maintenance of the government and consequently, of the republic?”<sup>48</sup> The political context in 1795 was, however, radically different from that of 1789 in one important respect. France now had a republican regime, and the absolute veto was regarded by some as incompatible with republican principles and popular sovereignty. In a republic, Mme de Staël remarked, the idea that a single person should be capable of opposing and obstructing the will of the majority was illegitimate, and in fact impossible. An absolute veto was the attribute of a monarch and so could not be granted by a republican government.

She drew a seminal distinction between *arrêter* and *éclairer la volonté*, insisting that only the second was an essential condition for the proper functioning of representative institutions. There is a great difference between the two. The knowledge and information that only the executive power possesses are necessary to the elaboration of the laws. If the executive were not able to make suggestions for the revision of a decree it deems to be dangerous, the laws could not be properly applied. She reminded her readers that, in England, the veto power was never exercised because the monarch had at his disposal other means of exercising influence over the executive power, the most important being the presence of his ministers in the House of Commons. Using a striking metaphor that anticipates Constant’s notion of “neutral power,” Mme de Staël argued that the constitutional monarch remains aloof, in a “cloud” above political battles and untouched by them: “In England, the king could remain for the entire life in a cloud without affecting the work of the government. It is only necessary to know up to which point the mystery of this cloud is necessary in order to countervail all individual ambitions.”<sup>49</sup> On this view, the executive power should have the right of veto and the right to choose its members among the deputies in the lower chamber. While the directors must be granted absolute inviolability, except in cases of rebellion, their ministers must be held politically responsible, being obliged to resign if they should lose the confidence of the legislative body.<sup>50</sup>

The implications of this view are worth spelling out. First, in the footsteps of Necker, Mme de Staël considered the executive power the representative of the nation and made an important distinction between the executive and administrative power, insisting that the directors did not have the right to dismiss the administrators chosen by the people. Second, she claimed that the co-participation of the executive power in the exercise of the legislative function was essential to the smooth functioning of

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<sup>48</sup> Staël, *OCS*, I: 5.

<sup>49</sup> *Ibid.*, 52.

<sup>50</sup> Staël, *DCA*, 186.

representative institutions and the application of the laws. The members of the executive power, Mme de Staël argued, possess valuable information and can contribute significantly to legislative debates. To properly discharge this role, they must never be forced to execute a law of which they disapprove and should have statutory means of asking the legislative power to take a second look at the laws that had been adopted.<sup>51</sup> This stipulation, Mme de Staël believed, would make the notion of ministerial responsibility effective and avoid the awkward circumstance of a power condemning or rejecting what it is supposed to execute.

Third, Mme de Staël argued against the strict separation of powers, endorsing instead a *union of powers* reminiscent of Necker's *entrelacement des pouvoirs*. "An eloquent thinker has argued that it is the union of powers that we must seek," she wrote; "and yet people generally confound the necessary separation of functions with the separation of powers which inevitably makes them mutual enemies."<sup>52</sup> A real balance of powers represents much more than an equilibrium of forces; it is a certain form of the "intertwining" of powers by dint of which both the executive and the legislative are able to curb each other's tendency to overstep their legitimate boundaries:

The balance of powers does not mean one power pitched against the other one, which, in other words, would refer to a balance of forces that would constantly incite them to wage war against each other in order to obtain a decisive advantage. The [true] balance of powers is the outcome of the combinations which make them agree with each other, and, in a free state, only public opinion in all its strength can force one of these two powers to concede to the other, if disagreements between them arise.<sup>53</sup>

The best expression of Mme de Staël's views on the relationship between the executive and legislative power can be found in an important letter of June 9, 1795 sent to Roederer, in which she referred again to *l'union des pouvoirs* as the most vexed political question. Arguing against creating an executive power strictly separated from the legislative, she declared that ministers must be allowed to participate in the deliberations of the lower chamber because their administrative experience and knowledge are essential to raising the level of legislative debates. This "union" of powers, she emphasized, must be properly distinguished from a confusion of powers (which is the opposite of constitutionalism), as well as from their pure opposition (which would lead to political stalemate):

People speak a lot about the separation of powers, and it is perhaps their union which is the most challenging question. An executive power which is not involved in the making of the laws is naturally the enemy of

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<sup>51</sup> *Ibid.*, 181–82, 191.

<sup>52</sup> *Ibid.*, 171. The "eloquent thinker" invoked by Mme de Staël was, most likely, Necker. Lahmer also suggested the name of Sieyès.

<sup>53</sup> *Ibid.*, 181.

those that subject it to decrees which go against its views and interfere with its means of execution. For this reason, people have felt the need to give the right of sanction to the king. It is impossible to grant so great an influence to a republican executive power. Consequently, would it not be necessary to choose the ministers among the representatives of the Senate? By joining together two titles they would gain more respect; they would intervene in the debates and, as in England, they would have the advantage of preventing the problems arising from implementing the proposed laws. ... The first reaction to this idea is to mention the confusion of powers... Nonetheless, is there any confusion of powers in America and England because the ministers are at the same time the representatives of the people? It is the opposition and the collision of powers that pave the way for the invasion of one of these two powers, and it is through their reunion that they can maintain themselves. But if there are no permanent public relations between deputies and ministers, a rivalry will emerge between the power sought by deputies and the one held by ministers.<sup>54</sup>

Worth noting in this passage is the emphasis on several key themes such as “opposition and collision of powers,” and, more importantly, “union of powers,” which Mme de Staël distinguished from “confusion” of powers. She concluded that an executive power that did not participate in the elaboration of the laws was a merely instrumental and passive power, with little interest in the proper application of the laws.

She drew attention also to the composition and role of the Council of the Ancients, pointing out that its members must have life tenure and ought to be considered candidates for the position of directors. She also believed that the Council could fulfill the role of a “neutral” power (*sui generis*) “superior to all others,”<sup>55</sup> and argued that there was no need for a new institution such as the constitutional jury proposed by Sieyès.<sup>56</sup> The key role that Mme de Staël granted to the Council of the

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<sup>54</sup> Staël, *CGIII*: 2, 15–17; emphases added.

<sup>55</sup> Staël, *DCA*, 181.

<sup>56</sup> On Sieyès’ proposals for a *jury constitutionnaire*, see *Les Discours de Sieyès*, ed. Paul Bastid (Paris: Hachette, 1939), 14–15; also Bastid, *Sieyès et sa pensée* (Paris: Hachette, 1939), 416–33, 597–605; Lucien Jaume, “Sieyès et le sens du jury constitutionnaire: Une réinterprétation,” *Droits*, 36 (2002) : 115-34; Marcel Gauchet, *La Révolution des pouvoirs* (Paris : Gallimard, 1995), 159–86; Pasquale Pasquino, *Sieyès et l’invention de la constitution en France* (Paris: Odile Jacob, 1998), 147–56; Michel Troper, “Sieyès et le jury constitutionnaire,” in *Mélanges en l’honneur de Pierre Avril: La République* (Paris: Montchretien, 2001), 265–82. Here is what Mme de Staël wrote: “Je voudrais que les attributs de ce Jury constitutionnaire fussent réunis à la puissance du Conseil des Anciens, parce qu’il serait à craindre qu’un corps dont on n’aurait besoin que pour décider les querelles entre les pouvoirs et qui resterait pendant les intervalles constamment étranger à l’exercice du pouvoir, aux intérêts habituels des hommes, fût bientôt oublié et ne possédât pas cette considération qui se compose des lumières, de la fortune et surtout du crédit” (Staël,

Ancients illustrates her belief that democracy could be adequately moderated with the aid of “aristocratic” elements. Her claim that strengthening popular institutions required the selective use of aristocratic ideas and elements anticipated one of Tocqueville’s most important insights, for he also believed that democracy tends to go astray if its principles are taken to extremes.<sup>57</sup> The democrats, she noted, know how to take possession of new rights and liberties, while aristocrats are often skilled at preserving their privileges. After their triumph, the first must carefully study the means used by the latter and should adopt such “aristocratic” principles as could contribute to the consolidation of their fledgling democratic institutions.

## **The Failure of Moderation and the Rise of Napoleon**

As we have seen, the constitutional text adopted in August 1795, which sought to charter a new course in French post-revolutionary history, was destined to have a short life. The conventional interpretation of its failure points to the peculiar conditions of political life under the Directory, which made the implementation of a moderate (republican) constitution virtually impossible. According to this view, the constitution failed not so much because of its shortcomings as because the environment was unfavorable to moderation and the *juste milieu* endorsed by Mme de Staël and other like-minded liberals. There is some truth to this analysis, as the ever-present specter of reaction and Jacobinism rendered the task of moderates extremely difficult. Moreover, the political personnel of the Directory were corrupt and unable to properly fulfill their tasks. Another line of interpretation emphasizes the inherent limitations of the Constitution of 1795, most notably the lack of adequate legal means for resolving conflicts between the two main powers in the state, as demonstrated by the events of 18th Fructidor and 18th Brumaire. Other problems were the rigid separation of powers envisioned by the French legislators, the annual elections, and the rather odd provisions for the renewal of the personnel of many institutions, including the Directory (every year a new director was supposed to be elected, along with a third of each of the two councils). It was this intense pace of political life that made Barras declare that the country resembled a besieged citadel which, from time to time, had to resort to risky counteroffensive measures in order to win some breathing space.<sup>58</sup>

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DCA, 163)

<sup>57</sup> Anticipating Tocqueville, Mme de Staël wrote that democratic principles must be placed “sous la sauvegarde des formes aristocratiques” adding that “la démocratie ne se détruit qu’avec les principes de la démocratie” (Staël, DCA, 164, 174).

<sup>58</sup> See Olivier Passelecq, “Actualité de la Constitution de l’an III,” in Conac and Machelon (eds.), *La Constitution de l’an III*, 94. Also Lucien Jaume, “L’esprit de Coppet et l’organisation du pouvoir exécutif, in *La Constitution de l’an III ou l’ordre républicain*, ed.

Mme de Staël attributed the defeat of moderates not only to the volatile environment in which they operated, but also to “that extreme self-love which does not allow men to tolerate any other ideas than their own,”<sup>59</sup> a form of vanity that characterized the nobles and radicals. They would pay a high price for their stubbornness and poor judgment. The internal dysfunction of the Directory became evident on the eve of 18th Fructidor, when the fear of a counterrevolution created public confusion and blurred the dividing line between the friends of liberty and the partisans of arbitrary power. As Thibaudeau remarked in his memoirs, the Directory was confronted with a choice between overcoming the royalists by force of arms or by strengthening the constitutionalist party around which supporters of the rule of law rallied. “In the first case,” he remarked, “it would have ruined the constitution and the republic; in the second, it is likely that it would have saved them.”<sup>60</sup>

Unfortunately, the directors chose the first solution. Their *coup* was made easier by the fact that the executive power did not have the right to dissolve the legislative power in case of political gridlock. Two of the directors, Barthélemy and Carnot, were rumored to share the radical views of some members of the Council of the Five Hundred, which further compounded the situation. The remaining three directors, Reubell, Barras, and La Réveillière, made a bold decision that, although initially endorsed by some liberals (including Constant and Mme de Staël), proved to have disastrous long-term political consequences. They sent soldiers to arrest the recalcitrant members of the Council of the Five Hundred, expelled almost two hundred deputies, and proceeded to remove from the political scene the two dissenting directors. No less than 163 opponents of the regime were condemned to deportation overseas, military commissions were set up, and freedom of the press was abolished once again, this time in light of Art. 355 of the Constitution of 1795, which allowed for a one-year suspension of liberty of the press in exceptional circumstances. The subsequent reception given by the Directory to General Bonaparte, whom Talleyrand himself called “the liberator of Italy and the pacificator of the Continent,”<sup>61</sup> epitomized the irreversible subduing of the national representation by military power and demonstrated the fragility of the Directory and its representative institutions.

It may seem surprising then that a liberal like Mme de Staël did not originally oppose the events of 18th Fructidor and that, despite her liberal constitutionalism, she endorsed the use of non-constitutional means to save the First Republic. In *Considérations*, she has surprisingly little to say about the role she and Constant played during the crisis leading to the *coup d'état* that opened a deep rift within the camp of moderates. Eventually, Mme de Staël came to regret her initial position and denounced the events of 18th Fructidor while seeking to justify her initial decision:

The journals whose office it was in 1797 to insult all the friends of

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Jean Bart et al (Dijon: Éditions universitaires de Dijon), 1998, 225-39.

<sup>59</sup> Staël, *CPE*, 201.

<sup>60</sup> Thibaudeau, *Mémoires*, II: 20.

<sup>61</sup> See Staël, *CPE*, 412.

liberty have pretended that, from a predilection for a republic, I approved of the affair of 18th Fructidor. I certainly would not have counseled, had I been called upon to give advice, the establishment of a republic in France; but when it once existed, I was not of the opinion that it ought to be overturned. Republican government, considered abstractedly and without reference to a great state, merits the respect which it has inspired; the Revolution of 18<sup>th</sup> Fructidor, on the contrary, must always excite horror, both for the tyrannical principles from which it proceeded and for the frightful results which were its necessary consequence.<sup>62</sup>

As Talleyrand remarked, “Mme de Staël had approved of 18th Fructidor but not of the events of the 19<sup>th</sup>.”<sup>63</sup> He was right. The *coup d'état* signaled that the directors had too much arbitrary power and too little legal power and demonstrated the rising power of the army, the most ominous development during the second half of the Directory. “No epoch of the Revolution was more disastrous than that which substituted military rule for the well-founded hope of a representative government,” Mme de Staël wrote. “For it was so contrary to the spirit of a republic to employ the soldiers against the representatives of the people that the state could not fail to be destroyed in the very attempt to save it by such means.”<sup>64</sup>

*Des circonstances actuelles* was Mme de Staël’s attempt to sketch a constitutional agenda that could save the republic from ruin. What makes this seminal text so interesting is that its author adopted a partisan tone while pretending at the same time to be the voice of moderation in search for a necessary consensus among all of the friends of liberty in France. Described by some commentators as “one of the most representative texts of republican constitutionalism”<sup>65</sup> ever written, a true “discourse of method of the new republicanism,”<sup>66</sup> Mme de Staël’s book manuscript sought to express “the theoretical opinions of the conquerors and the sentiments of the vanquished.”<sup>67</sup> A republican treatise and a textbook of political cohabitation, it articulated an ambitious agenda aimed at rallying all moderates around a set of republican ideas and principles that could bring much-needed social peace and act as a countervailing force to fanaticism and intolerance. To this end, she

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<sup>62</sup> *Ibid.*, 402.

<sup>63</sup> Quoted in Maria Fairweather, *Mme de Staël* (London: Carroll and Graf, 2005), 236.

<sup>64</sup> Staël, *CPE*, 396, 399. She came to view the second half of the Directory as dominated by an intolerant and inhuman oligarchy, which created a regime nourished on corruption. See Lady Blennerhassett, *Madame de Staël. Her Friends, and Her Influence in Politics and Literature* (London: Chapman and Hall, 1889), II: 337–47.

<sup>65</sup> Mauro Barberis, “Constant, Mme de Staël et la constitution républicaine: un essai d’interprétation,” in *Le groupe de Coppet et le monde moderne: conceptions-images-débats*, ed. Françoise Tilkin (Geneva: Droz, 1998), 193.

<sup>66</sup> Gengembre and Goldzink, “Une femme révolutionnée,” 275. See also Roland Mortier, “Comment terminer la Révolution et fonder la République,” *Annales Benjamin Constant* 8–9 (1988): 293–307.

<sup>67</sup> Staël, *DCA*, 4–5.

had to walk a narrow path, seeking to persuade, convince, and pressure the undecided sympathizers of the republic. She expressed concern over the low public spiritedness of the French, which she regarded as a corollary of civic apathy and post-revolutionary fatigue. In order to “end” the revolution, she favored an elitist form of republicanism based on political rights, popular sovereignty, representative government, and respect for private property. She also expressed optimism about the possibility of a new science of politics modeled upon the natural sciences. Such a science, she hoped (in a surprisingly Hobbesian vein), would be capable of submitting political passions to rigorous analysis and would view politics as a rational and quantifiable object of investigation.<sup>68</sup>

The policy of cohabitation that Mme de Staël recommended in 1798 had important similarities with the strategy of accommodation outlined in her earlier writings. Her credo remained unchanged: the republic could be saved only if all *honnêtes hommes* rallied to support republican institutions and principles.<sup>69</sup> And yet, there was something surprisingly radical in Mme de Staël’s approach which, at first sight, seems to contradict her image as a proponent of moderation. Consider, for example, the confident tone and bold advice she gave to the government: it must preserve its monopoly on power *at all costs*. Power should not escape from the hands of a party supporting the republic, she argued, adding that the republicans should never agree to share power with another party. Instead, they must consolidate their position in spite of the fact that public opinion was (temporarily) against them. At the same time, her call to firmness and assertiveness was tempered by her appeal to moderation in the exercise of power.<sup>70</sup>

Given the partisan tone espoused by Mme de Staël, her plea for bipartisan collaboration might well have seemed purely rhetorical to those who were skeptical about the intentions of the Directory. Her endorsement of strict measures meant to restrict freedom of the press certainly worried republicans; she agreed that books should be published freely, but accepted the censorship of journals.<sup>71</sup> Similarly, her argument in favor of national reconciliation might not have persuaded the Anglophiles who believed that only an open and unrestricted competition for power among robust parties could further the consolidation of republican institutions. One might then argue that Mme de Staël’s position remained faithful to an old way of interpreting politics that did not have much room for open confrontation between political parties. Finally, rallying all reasonable monarchists—Mme de Staël’s most important target audience—to support the cause of the republic was plausible only because the project of moderate (tempered) monarchy, Necker’s preferred regime,

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<sup>68</sup> “Les passions des hommes sont aussi susceptible de calcul que les frottements dans les machines.... Le dernier degré de la perfectibilité de l’esprit humain, c’est l’application du calcul à toutes les branches du système moral. Il y a donc un grand avantage à fonder son gouvernement sur des principes géométriquement vrais” (Staël, *DCA*, 27).

<sup>69</sup> *Ibid.*, 44.

<sup>70</sup> See chapter V of *DCA*. The naiveté of Mme de Staël’s views on the Directory a year after 18<sup>th</sup> Fructidor and shortly before its demise in November 1799 has not passed unnoticed.

<sup>71</sup> Staël, *DCA*, 119–20.

had become impossible in the context of the Directory. If a *monarchie modérée* might have been feasible and desirable in 1789–1791, it was no longer an appealing project in 1798. Under then-current circumstances, she would have to work hard to convince defenders of constitutional monarchy that the only reasonable course was to create a “moderate republic” by enlisting the support of all of the friends of liberty in France.

The moderate republican political agenda of *Des circonstances actuelles* had little chance of influencing the French political scene, and it is revealing that the text was never published. A year later, Napoleon’s coup of 18<sup>th</sup> Brumaire officially ended the Directory, marking the second time since the revolution when civil power was humiliated by the military.<sup>72</sup>

The peculiar nature of Mme de Staël’s republicanism has recently led some commentators to argue that the republican constitution she endorsed would frighten today’s liberals.<sup>73</sup> In my view, this is an overstatement that does not take adequate account of the fundamentally *moderate* and *liberal* core of Mme de Staël’s political philosophy. In this regard, I agree with G. E. Gwynne that we can find in her writings an “unshaken fidelity to a small number of fundamental principles which constitute the remarkable identity of [her] thought.”<sup>74</sup> If we adopt this view, then it is possible to argue that Mme de Staël’s republicanism rested on a combination of principled realism and calculation and that, from her advocacy of republicanism in the 1790s to her endorsement of constitutional monarchy in 1814, the conceptual core of her political outlook remained more or less unchanged, as is demonstrated by her constant search for *via media*, a prominent theme in all of her political writings.<sup>75</sup>

Her moderate agenda had always had an *eclectic* core, seeking to achieve in France what England was famous for: “a reconciliation of republican liberty with monarchical calm, the emulation of talents with the silence of factions, a military spirit abroad and respect for laws at home.”<sup>76</sup> Not surprisingly, Mme de Staël identified this form of eclecticism with political happiness, a topic that unfortunately remained undeveloped in her writings. While it is true that she eventually placed individual liberties and rights at the center of her later political writings, and became more skeptical toward equality, a quintessentially republican principle tainted by its association with Jacobin democracy, Mme de Staël remained committed to a set of liberal values and principles clustered around the concept of political moderation, *le fil directeur* of her political thought.

Mme de Staël’s commitment to moderation was demonstrated not only by her firm condemnation of fanaticism and factionalism, but also by her constant search for

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<sup>72</sup> See Patrice Gueniffey, *Le Dix-huit Brumaire: L’épilogue de la Révolution française* (Paris: Gallimard, 2008).

<sup>73</sup> Andreas Kaylvas and Ira Katznelson, *Liberal Beginnings: Making a Republic for the Moderns* (Cambridge: Cambridge University Press, 2008), 137–40.

<sup>74</sup> Gwynne, *Mme de Staël et la Révolution française*, 76.

<sup>75</sup> For a similar view, see Gwynne, *Mme de Staël et la Révolution française*, 56.

<sup>76</sup> *Major Writings of Germaine de Staël*, ed. and trans. Vivian Folkenflik (New York: Columbia University Press, 1987), 154.

a *parti mitoyen* (which she dreamt of forming from 1791 until her death), or a *juste milieu* between extremes. As she once wrote, “the extremes are in the minds of the people, but not in the nature of things.”<sup>77</sup> At the same time, she understood that it is important to have a grain of boldness in everything, and that sometimes, even a virtue like moderation should be temporarily replaced by immoderation. Mme de Staël emphasized that even truth must be pursued with prudence, since those who claimed to be committed to a politics of truth were apt to reduce the complexity of the world to a single dimension, principle, or idea.

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<sup>77</sup> Staël, *OCS*, I: 147.