

Revue européenne
des sciences sociales

European Journal of Social Sciences

Revue européenne des sciences sociales

European Journal of Social Sciences

XLV-136 | 2007

**Démocratie délibérative, démocratie débattante,
démocratie participative**

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Electronic version

URL: <http://journals.openedition.org/ress/88>

DOI: 10.4000/ress.88

ISSN: 1663-4446

Publisher

Librairie Droz

Printed version

Date of publication: 1 February 2007

Number of pages: 71-94

ISBN: 978-2-600-01114-3

ISSN: 0048-8046

Electronic reference

Jon Elster, « The night of August 4, 1789. A study of social interaction in collective decision-making », *Revue européenne des sciences sociales* [Online], XLV-136 | 2007, Online since 01 February 2010, connection on 19 April 2019. URL : <http://journals.openedition.org/ress/88> ; DOI : 10.4000/ress.88

Jon ELSTER

THE NIGHT OF AUGUST 4, 1789* A STUDY OF SOCIAL INTERACTION IN COLLECTIVE DECISION-MAKING

I. INTRODUCTION

On the night of August 4 1789, the French Assemblée Constituante voted unanimously to abolish feudalism. In this paper I discuss some intensely interactive aspects of this process of collective decision-making and of the events that led up to it. I shall proceed as follows. In Section **II** I discuss the idea of social interaction. Section **III** offers a brief and selective overview of the period between the elections to the Estates-General in the spring of 1789 and the adoption of the final version of the decrees on August 11. The following Sections consider a number of interactive arenas, arranged in ever-smaller concentric circles. In Section **IV** I discuss the interactions between the Assembly and France as a whole, with emphasis on the provinces outside Paris. In Section **V** the focus is on the interactions between the assembly in Versailles and the city of Paris. In Section **VI** I consider the interactions between the members of the assembly and the audience in the galleries. In Section **VII**, which takes up about a third of the paper, I address the modalities of interaction among the deputies themselves. Section **VIII** concludes by a discussion of the role of interactive emotions in collective decision-making.

II. VARIETIES OF SOCIAL INTERACTION

The pre-analytical idea of social interaction is so vast and diffuse that it might seem useless for analysis. I shall nevertheless try to put it some use by contrasting it with a series of antonyms. The antonym selection is guided by the account I propose of social interaction in later Sections. Examples are also chosen so as to provide background for these later discussions.

Interaction versus submission to authority. To simplify, assume that the lives of social agents are constrained by three parameters: prices, earnings and laws. These may either emerge from interaction among the agents or be imposed by a superior authority. In the economic realm, this distinction is exemplified in the contrast between markets and planning. In the political realm, an example is the contrast between democracy and absolutism.

The distinction is not always very robust. In the history of French absolutism, for instance, only Louis XIV approached the ideal of unconstrained power (but

* I thank Michael Macy, Pascale Pasquino, Charles Tilly and Michel Troper for comments on an earlier draft of this paper.

see Bluche 1986, pp. 192-196). His predecessor had to cope both with the nobility and the partly juridical, partly political bodies of *parlements*. While his two successors could largely ignore the former, they still had to deal with the latter. A paradigmatic sequence is the following (Olivier-Martin 1997). First, the King issues a law that has to be registered by the *parlements*. Second, the *parlements* offer remonstrances or objections to the law. Third, the King uses his right to impose the law in a «lit de justice». Fourth, the *parlements* refuse to apply the law. Fifth, the King sends the magistrates into forced exile to a remote part of the country and tries to replace them by another set of officials. Sixth, when the exiled magistrates successfully deter anyone from taking office in the new institutions, justice comes to a standstill and the King has to recall the *parlements* and give in to some of their objections. When Louis XVI tried to impose his will on the Constituent Assembly in the «séance royale» (related to a «lit de justice») on June 23 1789, the third estate refused to obey his orders to disperse because they could draw on this precedent (Dumont 1832, p. 67). In such cases, the final outcome emerges from vertical interaction between the less-than-absolute ruler and other instances, as well as from horizontal interaction within the latter.

Interaction versus isolation. Interaction presupposes causal relations among the interacting individuals. When they are causally isolated, they cannot interact. Secret voting is a paradigm of causal isolation, which does not exclude that even when an individual's vote cannot have a causal impact on the voting on others he may act as if he believes, magically, that it can (Quattrone and Tversky 1986). Public voting, too, may be nearer to causal isolation than to interaction if care is taken to make individuals cast their votes as close to simultaneously as possible. In a work written to shape the procedures of the Estates-General in France, Bentham (1999, pp. 106-109) insisted on simultaneity of votes to «lessen the efficacy of undue influence»¹. In writing that book, he made a study of earlier French political assemblies in which each member cast his vote immediately after making his speech, and before having an occasion to listen to the speeches of other members who might, in theory, change his mind (*ibid.*, pp. 94-101). Bentham argued that in this system causal interaction operates where it should not (by allowing the vote cast by one individual to affect that of another) and operates only partially where it should (by allowing the opinions expressed by one individual to affect that of another)². As a result, «the chance a man has of forming a right opinion is exactly in the inverse ratio of the chance he has of gaining partisans to that opinion» (*ibid.*, p. 95).

In the same work Bentham (1999, pp. 132-133), or rather his French collaborators, argued for the British practice of excluding written speeches in parliament³. «The principal advantage of a national senate, and from public discussion,

¹ Proof sheets of this work were read and quoted, without attribution, by Mirabeau (*Courrier de Provence* No.10). On the influence on Bentham and Mirabeau on the actual procedures adopted by the Constituent Assembly, see Castaldo (1989), pp. 84-99.

² We may note that Rousseau (1964, p. 371) regarded even the latter form of interaction as undesirable. The general will emerges if and only if the voters are prevented from communicating among themselves. Interaction creates faction, intrigue and distortion of the general will.

³ This section was not written by Bentham, but taken from the *Courrier de Provence* LXX.

arises from that activity of mind, from that abundance of resources, which results from a large assembly of enlightened men who animate and excite each other». This give and take is impossible when deputies content themselves with reading prepared speeches, as was the usual practice in the Constituent Assembly (Aulard 1882; Furet and Halévi 1996, pp. 130-140). The resulting dialogue of the deaf is obviously not to be confused with genuinely interactive discussion. Mme de Staël (2000, p. 179), perhaps echoing Bentham, also points to another advantage of the ban on written manuscripts: only people who really know the subject matter are capable of improvising.

The Constituent Assembly used two methods for voting. One, «vote par assis et levé», was the normal procedure. The president asked those who were in favor of a motion to stand up and others to remain seated. If he was uncertain about the majority or if a deputy expressed a doubt, one proceeded to a «vote nominal», i.e. a roll-call vote (Castaldo 1989, pp. 346-353). Because roll-calls make it possible for the vote of one deputy to have a causal influence on that of another, they can induce path-dependence. If deputies vote in alphabetical order and a particularly influential deputy is near the beginning of the alphabet, the outcome may differ from what it would have been if they had voted in inverse alphabetical order. Roll-call votes also create a potential for interaction with the *audience*. In the Constituent Assembly, it was easier for the audience to identify who voted for or against a proposal if the voting was by roll-call rather than by standing and sitting⁴. I shall return to the strategic implications of this fact.

The relation between an assembly and the public can also be one of interaction or of isolation. As shown by the Federal Convention in Philadelphia, isolation can be achieved if two conditions are satisfied. First, no audience is allowed. Second, members take an oath to secrecy and respect it. In the Constituent Assembly, proposals were made to isolate the assembly along these lines. On May 29, Malouet proposed to exclude «foreigners» from the deliberations of the third estate (Creuzé-Latouche 1946, p. 25), to which Volney responded in the characteristic radical cant of the time that «all citizens are not only our brothers, but our masters» (*ibid.*). In his botched declaration of June 23 (see below), Louis XVI also demanded that in the future nobody but the deputies should be present at their proceedings. In April 1789 a certain Albisson wrote an otherwise insightful memorandum to the King's minister in which he proposed that the deputies be sworn not to reveal anything about what passed in the assembly (Kessel 1969, p. 84). As it was known at the time that the number of deputies would exceed one thousand, the proposal was hardly realistic⁵. (At the Federal Convention, there were fifty-five delegates.)

⁴ Since actions such as standing up or raising one's hand have to be identified by the vote counters they can also be identified by third parties. Thucydides (6.24) states, for instance, that «with the enthusiasm of the majority [for the Sicilian expedition], the few that liked it not, feared to appear unpatriotic by holding up their hands against it». Yet not only in Paris in 1789, but also in the Frankfurt constituent assembly of 1848 (Eyck 1968, p. 157), deputies felt more visible and vulnerable in roll-call votes.

⁵ In the six weeks when the three orders met separately, the nobility and (with occasional exceptions) the clergy deliberated only behind closed doors. Just before the King ordered them to join the third estate, they had decided to admit the public (Lefebvre and Terroine 1953, p. 25).

Interaction versus common cause. When A and B interact, one of them has a causal impact on the other (and perhaps, but not necessarily, vice versa). A different causal structure arises when A and B are both affected by a third factor C, without directly affecting one another. Similarity of behavior, for instance, may be due to pressures of conformism (Tocqueville 1969, p. 643) or to the fact that the individuals live under similar conditions (*ibid.*, pp. 640-641). In the Constituent Assembly, the votes for president of the body were secret. There were no candidates: a member could cast his vote for any other member. Since votes were usually not scattered among many but concentrated among a few, coordinating agencies must have been at work. In the vote cast on August 1 1789, for instance, 406 deputies voted for the moderate Thouret and 402 for the radical Sieyès. (For reasons discussed below, Thouret withdrew from the post.) Although such coordination is itself a form of social interaction, it is not interaction among the voting deputies themselves but orchestration of their votes from outside.

In the spring and summer of 1789, rural France saw a number of local acts of protesting authority, defined by John Markoff (1996, p. 205) as «an instance of twenty or more people of the countryside, acting publicly and as a group, directly engaged in seizing or damaging the resources of another party, or defending themselves against another party's claim upon them.» Markoff (*ibid.*, p. 273) enumerates various causes that have been cited to account for these events: high or increasing prices of food, changes in consciousness, the erosion of traditional relationships, the dynamism of the market economy, and the organizational capacities of the peasantry. In his view, «There may be something to one or some or all of these theses. But what none of them, in themselves, can explain, is the sharp oscillatory pattern» of the insurrections. If the local events all proceeded from a common cause that was more or less constant over the period, we would not expect the number of conflicts to «oscillate wildly from one month to the next» (*ibid.*, p. 271). In his opinion, the «fundamental reason for this pattern is the quintessentially interactive nature of social conflict» (*ibid.*). Rather than reacting blindly and viscerally to hardship, the peasantry had a «sense of the risks and benefits associated with alternative courses of action» (*ibid.*, p. 272). Beliefs about these variables were constantly updated in the light of successes and failures of nearby insurrections, creating a potential for chain reactions similar to those observed in Eastern Europe exactly two hundred years later.

Interaction versus comparison. The statement «A exploits B» refers to an interaction between these two agents. It may go together with *interaction-based emotions*, such as anger or resentment. The statement «A has more money than B» expresses a comparison between them, and can be made even when A or B have never met or heard about each other. Suppose, however, that both A and B know that A is richer than B. In that case, the difference may give rise to the *comparison-based emotion* of envy. As a result of the action tendency associated with the emotion, we may also observe *comparison-based interaction*, if B takes steps to destroy the envied object or its possessor (Elster 1999, Ch.III). In the *Ancien régime*, Tocqueville argued that the interaction-based hatred of the peasantry towards the lords and the comparison-based envy of the bourgeoisie towards the nobility were among the main causal forces behind the Revolution (*ibid.*).

The ancien régime was obsessed with status (Mousnier 1996). The nobility enjoyed humiliating the bourgeoisie, which burned with resentment at the way they were treated. In his account of the breakdown of negotiations among the three orders in May-June 1789, Timothy Tackett (1996, p. 144) writes that «For a large number of deputies, a deep-seated revulsion for the years of condescension and scorn was released by the current configuration. The struggle for status – the desire – in Abbé Sieyès’s phrase – to be recognized as “something” in the social order, became an all-consuming passion, pushing them toward a break». Among the reforms of August 4 1789, the passion found both positive and negative outlets. On the one hand, the assembly established equal access for all to civil and military office was. On the other hand, they abolished the honorific distinctions of the nobility, such as hunting rights and the right to bear pigeons. The abolition of the purely symbolic rights to coats-of-arms or liveried servants came in June 1790.

III. THE MAIN STEPS TO AUGUST 13 1789

To facilitate the understanding of the events discussed in subsequent sections, I provide a brief and selective recapitulation of the main events leading up to the decrees of August.

Elections to the Estates-General. The composition of the Estates-General owed a great deal to the mode of election. For my purposes, the most important feature is perhaps that as a result of the rules for electing representatives of the clergy, almost three quarters among them were parish priests, who were in many respects closer to the third estate than to the high clergy. Another was the rule allowing an estate to choose deputies from outside itself. The third estate had originally opposed this option, fearing that habits of deference would allow the privileged estates to impose themselves. Yet in a decision of December 27 1788, the King explicitly refused to block this option, which allowed the third estate to elect Mirabeau and Sieyès – the two outstanding members of the assembly. Ironically, this rule compensated for another that have made Mirabeau ineligible as a deputy for the nobility because he did not possess a fief.

Verification of credentials. After the deputies met in Versailles in May 5 1789, the next six weeks were spent in debating how to verify their credentials. The third estate wanted the verification to be made in common by all three estates, without prejudging the question whether the subsequent votes should take place by order or by head. The nobility and the upper clergy thought that common verification would set a precedent for voting by head, which they opposed. This prolonged period of sparring and treading water had two important effects. It allowed the deputies of the third estate to get to know each other and acquire a self-confidence they might not otherwise have achieved (Dumont 1832, p. 31; but see Tocqueville 1953, p. 177). Moreover, in the countryside the inaction of the assembly was widely interpreted as an attempt by the upper classes to wreck the reforms signaled by the convocation of the Estates-General (Lefebvre 1988, p. 81). On June 17, the third estate declared itself to be the National Assembly and invited members of the other estates to join them.

Two counterrevolutions. Under the influence of the Court and against the advice of his minister Necker, Louis XVI decided to impose his will on the assembly. In a «séance royale» on June 23 he canceled the decision of June 17 as unconstitutional. Although he allowed for common deliberations if each order assented to it, he excluded this option for a number of vital constitutional issues. He proposed a program of moderate reform, and threatened to dissolve the assembly if they opposed him. He ended by ordering the deputies to leave the hall in which they were assembled. The nobility and most of the clergy obeyed, but the third estate and some thirty parish priests remained. The next day they were joined by most of the remaining clergy and by 47 liberal nobles. Following popular reactions in Versailles and Paris and indications that the troops might not obey orders to shoot on the crowd, the King capitulated on June 27 by ordering the three estates to meet and deliberate in common.

The days before his capitulation, the King had begun to order supposedly reliable troops to march on Paris. Over the next few days, more marching orders were given. The troop movements were part of a counterrevolutionary plan inspired by a circle of nobles around Marie-Antoinette. Although little is known about the plan and the extent to which the King was informed about it (Caron 1906-7), it must minimally have aimed at imposing the declaration of June 23 and replacing Necker. When the concentration of troops became known, Mirabeau made a strong speech in the assembly on July 8, warning the king that the troops might side with their fellow citizens and that, moreover, their presence might induce the very crowd uprisings they were supposed to prevent. Perhaps as a result of this speech, the implementation of the plan was speeded up before all the troops had arrived from the provinces. Instead of Necker being dismissed on July 15, as had been planned, he was told to leave on July 11. The next day his dismissal was known in Paris, and on the following days angry crowds invaded the Invalides to get guns and stormed the Bastille to get gunpowder. The conspirators showed themselves monumentally inept. The King, once again, capitulated. On July 15, he announced the departure of the troops and on July 16 the recall of Necker. In the first wave of «émigrés», most prominent members of the counterrevolutionary conspiracy left the country.

Two immediate precursors. The decisions taken on the night of August 4 had two proximate triggers or antecedents. One was the debate in the assembly on the Declaration of the rights of man. Various draft declarations were offered at the end of July, and in the morning of August 4 the assembly decided to go ahead with the project. Several writers have seen a causal connection between the decision of the morning and the decrees adopted in the night. The *Courrier de Provence* (XXIII, pp. 8-9), Mirabeau's journal, argued that the decrees were engineered by the nobility to divert attention from the project of a declaration to which they were opposed. Rivarol (1824, pp. 138-19) asserts that to satisfy the people, «that imperious master», it was necessary to descend from abstract theories and principles to concrete applications. Still others (Buchet and Roux, p. 243) assert that since it was clear that any declaration of rights would entail the abolition of privilege, «it was wise to appear to desire what one would in any case have been forced to accept a few days later». None of these claims seems compellingly plausible.

In any event, a second precursor was vastly more important. During the month of July, a wave of insurrection and destruction swept through the French countryside. As mentioned above and more fully discussed below, many peasant communities believed that the nobles were deliberately sabotaging the reform work of the assembly. They responded by attacking castles, burning property records, taking redistributive measures and the like (Markoff 1996, pp. 261-262). Personal violence against the lords, which may or may not have resulted in their death, occurred in 3% of anti-seigniorial events, as against 53% that involved property damage (*ibid.*, p. 221). Although small in relative terms, the number and gruesome detail of the massacres was large enough to focus the attention of contemporaries (Ferrières 1880, pp. 120-121). The nobles at Versailles, obviously, were not at immediate personal risk, but their properties (and perhaps their relatives) were. The first reaction of the assembly, on the evening of August 3, was to propose repressive measures. After debate, the proposal was sent to a committee, which reported back in equally repressive terms the next evening. After the report had been read, the first speaker, the Vicomte de Noailles, argued that the peasantry had to be met with concessions, not with repression. His speech was the first event in «the night of August 4».

IV. INTERACTION BETWEEN VERSAILLES AND THE PROVINCES

The cahiers de doléance. The French provinces provided a basis for the proceedings in Versailles through the «cahiers de doléance» («grievance books») drawn up by local electoral assemblies of the three orders. Some cahiers contained instructions (imperative mandates) to the deputies about how to vote on specific issues (Castaldo 1989, pp. 142-46; Hyslop 1967, pp. 99-104; Cadart 1952, Ch.7). On June 27 the King declared that the mandates were null and void⁶, and on July 8 the assembly confirmed the decision. The cahiers nevertheless remained causally influential. Thus on July 27 Clermont-Tonnerre presented a summary of the cahiers as the basis for the work of the constitutional committee. The summary makes no reference to the issues debated on the Night of August 4. If anything, by insisting that property is sacred it anticipates the main obstacle to the implementation of the decrees passed on that occasion. If the summary does not mention feudalism and its abolition, it was probably due to a narrow interpretation of the mandate of the committee. As Markoff (1996) shows, the decrees of August 4 corresponds closely to demands expressed in the cahiers.

A discrepancy arises if we go to the final version adopted on August 11. On August 4, the assembly merely demanded the possibility for the peasants of abolishing the tithe with compensation. Even this went beyond the majority of the

⁶ In the King's convocation of the Estates-General on January 24 several formulations indicate that he wanted to ban imperative mandates, but the electoral assemblies ignored them (Castaldo 1989, p. 143). His reason for prohibiting mandates was not the one made famous by Burke and Sieyès, viz. to allow free deliberation among the deputies, but his desire to make them more pliable to his wishes (Cadart 1952, p. 159).

cahiers (Markoff 1996, pp. 109-110). On August 11, the assembly abolished the tithe without compensation, ordering that the ends for which it had been used (supporting the priests, poor relief, maintenance of churches) would be ensured by other means. In the process that brought about this radical shift, Buzot cleverly used an argument from the cahiers of the clergy to show that the tithe was not a property that should be indemnified. Defending the revolutionary principle that «the ecclesiastical properties belong to the nation», he cited several clerical cahiers that demanded the Estates-General to increase the salary («portion congrue») paid to priests who were not tithe-holders. In doing so, the clergy «recognized the incontestable rights of the nation over church property. They would not have made this proposal to those with no right to share goods that do not belong to them» (AP 8, p. 354). If the rhetorical trick of using the cahiers of the clergy against themselves (Kessel 1969, p. 200) disarmed opposition to radical measures, it would show at least an indirect influence of these documents. To my knowledge, there is little evidence of a direct causal link. Rather, the cahiers and the decrees had a common cause, viz. the general spirit of reform that had been developing over the previous decades.

Thwarted anticipations. This being said, the very act of calling the Estates-General and requesting cahiers to be drawn up had an indubitable causal influence on the decrees of August 4. Lefebvre (1988, pp. 62-63) cites many contemporary statements to the effect that the mere convocation of the Estates and the drawing up of the cahiers implied that tithes and seigniorial rights would be abolished or already had been abolished. «For the peasantry, their grievances were justified by the right to express them» (Kessel 1969, p. 78). While the dearth of grain had caused peasant uprisings throughout France in the spring of 1789, «there was a brief lull at end of May and in June, as people were expecting some relief from the Estates-General» (Lefebvre 1988, p. 49). When relief failed to come, the movements started up again. In Versailles, the failure of the Estates-General to begin its reform work was perceived as deliberate sabotage by the clergy and nobility. Deputies of the third estate kept their local constituencies informed, directly in the towns (*ibid*, pp. 91-93) and indirectly in the countryside (*ibid*, p. 94). The cause of the increased rhythm of peasant unrest was not simply the failure of relief, nor the frustration of expectations of relief, but the belief that there was a malign intention behind the frustration. In the revolutionary years, the right no less than the left constantly appealed to conspiracy theories (Lefebvre 1988, p. 98 and *passim*; Tackett 1996, pp. 244-247). As we just saw, these were not always groundless.

When news of Necker's dismissal reached the provinces, the conspiracy theory was strongly reinforced. Lefebvre (1988, p. 103 ff.) insists on the fact that the strong reactions were triggered by the news of what happened in Paris on July 11, not by the news from July 14-16. The provincial defense of the revolution developed independently of the actions taken by the people in Paris. As a corollary, he also insists on the spontaneous character of the local movements. As proof their centralized origin, many have cited a letter dated July 15 from Barnave to his friends in Grenoble to the effect that «I count on the energy of your town, on which it is now incumbent to take the lead. The same movement will exist in all the provinces; it is coordinated («concerté») from here.» Yet in many places local resistance was organized before these instructions could possibly have been

received. Early (false) rumors and later (correct) reports that prominent nobles had emigrated fueled the theory of an «aristocratic conspiracy». Seen through the lenses of this theory, many innocuous or ordinary events in the countryside appeared to confirm it, as Lefebvre (1988) shows brilliantly through many examples. In the second half of July, peasant insurrections flamed up again. «It is in its accentuated anti-seigniorial aspect, under the clear influence of the aristocratic conspiracy and the uprising in Paris, that the July movement differs from the spring riots. [...] Yet the assembly had not yet begun discussing the tithe and the feudal dues, and the bourgeoisie had never talked about suppressing them by force, let alone without compensation. The peasantry took matters into their own hands» (Lefebvre 1988, p. 124).

Feedback to Paris. In 1789, news from Paris took two days to reach Lyon and four days to reach Marseilles; smaller towns were even more slowly informed (*ibid.*, pp. 89-91)⁷. Given the greater capacities of Paris, it took presumably even longer for news from the provinces to reach Paris and Versailles. Taking account of the time lag and the time pattern of insurrections and destructions, Markoff (1996, p. 437) calculates that the reception of bad news from the provinces had two sharp spikes around July 28 and August 2. It took the deputies a few days to absorb the shock and start taking countermeasures. As noted earlier, their initial reaction was to insist on law and order. With 24 hours for reflection, they decided instead to calm the peasantry by offering concessions. This statement, while part of the conventional wisdom, says both too much and too little. As initially envisaged, the concessions may have been more apparent than real. Also, as we shall see, fear of violence and destruction was not the only motive that animated the *constituants*.

Markoff (1996, p. 264) summarizes the interaction by saying that «local peasant actions were part of a dialogue with the legislature». The term «dialogue» is perhaps too strong. It was a process of action and reaction (to action and to *inaction*) rather than a joint deliberative process.

V. INTERACTION BETWEEN VERSAILLES AND PARIS

Why isolation is desirable. Two principles regulate the location of a constituent assembly. First, it should not meet in or near a capital city, unless it can insulate itself by enforcing total secrecy of the proceedings. If the assembly has neither physical nor (as the Federal Convention in Philadelphia) communicational isolation from city crowds with strong radical demands, its deliberations will not be fully free. Second, it should not meet in the vicinity of large troop concentrations. The events leading up to July 14 underline the importance of the second principle. As Sieyes reminded the Assembly on July 8, the provincial estates in Brittany did not deliberate if there were troops within 40 km. The assembly had not forgotten the lessons from July (and from similar events in October) when it

⁷ The speed of this organized diffusion of news was thus about ten kilometers per hour. By comparison, the speed of propagation of the Great Fear was about four kilometers per hour in daytime (Lefebvre 1986, p. 178).

laid down, in the constitution of September 3 1791, that «The executive power [i.e. the King] cannot cause any body of troops to pass or sojourn within thirty thousand toises [60 km] of the legislative body, except upon its requisition or its authorization.»

Prior to the calling of the Estates-General, the first principle was only dimly understood. In 1788, there were several options on the table: Paris, Versailles at 13 km from Paris, or a more distant town such as Soissons at 100 km or Compiègne at 80 km (Kessel 1969, pp. 74-76; Egret 1975, pp. 249-250). In the choice among these options, the Queen and the Garde des Sceaux (Minister of Justice), Barentin, preferred the more distant locations because they feared the influence of the Parisian agitators on the deliberations of the assembly. Necker preferred Paris, because he thought the proximity to the capital market in Paris would have a moderating influence on the assembly. The King decided in favor of Versailles because he did not want interference with his hunting habits. After July 14, however, it became impossible to ignore the dangerous presence of Paris. In September, an ill-assorted deputation of moderates and royalists, with the approval of Necker and the Foreign Minister, Montmorin, proposed the transferal of the assembly to Compiègne or Soissons. The moderates wanted to remove the assembly from the threat of popular interference, and the royalists to remove the protection against military threats that Paris had just shown it could offer (Mathiez 1898, p. 272). When the ministers put the proposal to the King, he refused. He was sleepy after hunting and slept through most of the council.

Modes of interaction. There were several mechanisms by which radical elements in Paris could shape decisions in the assembly⁸. At later stages in the Revolution, the organized influence of the Clubs became preponderant (Jaume 1989, p. 51-52). In the earlier phases that concern me here, a simpler mechanism was the most important. Members of the audience would note who voted against radical proposals and circulate lists with their names in Paris, playing on the fear of the delegates that they or their families might be persecuted⁹. Thus when the third estate voted on June 17 whether to constitute itself as National Assembly, ninety deputies cast negative votes. Lists with their names were circulated in Paris, where they were denounced as traitors (Egret 1950, p. 72). One of those who voted against was Thouret. When he was elected president of the assembly on August 1, the most commonly cited explanation of why he stepped down is that because of his vote on June 17 he was unacceptable to the radical elements in Paris, who issued death threats against him (e.g. Droz 1860, vol.II, p. 302; Furet and Halévi 1996, p. 154). His biographer claims that he refused to take office because his small superiority of votes over Sieyès showed him that he had been elected with the support of the nobility and upper clergy, whose patronage was unacceptable to him (Lebègue 1910, p. 145). The Comte de Ferrières (1880, p. 120) states in his *Mémoires* that the «agents of revolution [...] feared that [Thouret] would refuse to lend himself to what one planned to do against the

⁸ I shall not discuss mechanisms of interaction within the Parisian crowds themselves. On this topic, see the brilliant study by Lefebvre (1988, pp. 243-264) as well as Rudé (1959).

⁹ In addition, they could circulate the list to the deputy's constituency (Duquesnoy 1894 I, p. 104; Egret 1950 p. 132).

nobility and the clergy», and thus spread rumors that he had sold himself to the reaction. Thouret then resigned because he wanted to avoid «violent movements and horrible divisions» (*ibid.*, p. 122) in the assembly rather than out of personal fear.

When Thouret stepped down, the assembly elected the Breton deputy Le Chapelier as president. From the point of view of the Breton Club of deputies, who orchestrated the events of August 4, he was the ideal person to preside over the debates. He did not respond to demands that the assembly respect its own rules, which were designed to avoid haste and precipitation (Kessel 1969 p. 200; *Courrier de Provence* XXIV p. 11). If Thouret had been president, he would certainly have tried to slow things down. As a Normand, he was notoriously slow and cautious (Walter 1989, p. 109). On May 16 1791, for instance, he tried in vain to prevent an assembly that was «drunk with disinterestedness» (Lebègue 1910, p. 261) from adopting Robespierre's proposal that its members would be ineligible to the first ordinary legislature. By getting him out of the way and replacing him with one of their own, the organizers of the night of August 4 greatly facilitated their task.

VI. INTERACTION BETWEEN DEPUTIES AND AUDIENCE

There are two forms of deputy-audience interaction. One is triadic, and relies on the ability of the audience to communicate salient debates and votes to Paris. This mechanism has already been discussed above, but I shall add some details and examples here. The examples are ambiguous, since one cannot exclude that the communication to radical circles in Paris is made by radical deputies rather than by radical members of the audience. The other is unambiguously dyadic, and relies only on the effects on the speakers of an approving or disapproving audience.

Triadic interactions. The combination of optional voting by roll-call and the presence of an audience who can write down the names of deputies who vote against popular measures yield an obvious potential for strategic behavior. If an anti-popular measure seems to have a majority, the minority can demand and usually obtain roll-call voting. According to Mounier (1989, p. 911), many who on June 16 supported his opinion against the third estate declaring itself the National Assembly changed their mind the next day when a roll-call vote was taken. According to another moderate, Lally-Tolendal (1790, p. 121), «a man who had not been afraid to stand up when surrounded by all his neighbors, does not dare to vote his opinion if called by name, when he sees lists being made that at the end of the session will circulate in the capital and the provinces». With regard to the vote defeating the anti-popular measure of bicameralism, he writes that «Members of the third estate have told me: I do not want my wife and children to have their throats cut» (*ibid.*, p. 141). In some cases, votes were taken twice with opposite outcomes. The first vote on the royal veto, by standing and sitting, which gave a majority for an absolute veto, was reversed when the minority demanded a roll-

¹⁰ It is also relevant to note that moderates did much better in the secret elections of the president of the assembly than in open policy votes (Droz 1860, p. 337 n.1). This pattern is also well-known from elections of trade union leaders.

call vote (Kessel 1969, pp. 254-55). The decision to elaborate a declaration of rights *and duties*, rather than a simple declaration of rights, was reversed in the same way (*ibid.*, p. 355 n.405), as was the fatal decision to shift the locus of the assembly from committees to plenary sessions (*ibid.*, p. 120). As the examples indicate, the strategy seems to have been very common (*ibid.*, p. 216-217; Castaldo 1989, p. 352)¹⁰.

As we know that many of those present on the night of August 4 disapproved of the decrees, the unanimity of the vote must have been spurious. «One reason [...] seems to have been a concern not to be noticed by the patriots [radicals] or by the journalists who were present at the session» (Kessel 1969, p. 189). Another reason is that some deputies were strategically absent. Mirabeau, in particular, stayed away because he anticipated the way the evening would go and did not wish to imperil his popularity by pointless resistance (*ibid.*, p. 134)¹¹. Some members of the upper clergy left in the hope that the discussion of the tithe would be postponed and that the assembly would think differently the next day, but the maneuver backfired since the parish priests took the occasion to frustrate their superiors (*ibid.*, p. 156).

The unanimity with which the clergy gave up the tithe without compensation a few days later was even more spurious and forced (Tocqueville 1953, p. 216). Duquesnoy (1894, p. 284) writes in his journal for August 11 that «Yesterday, the clergy was decisively opposed; the whole day was spent in vain and tumultuous debate, but today, without any apparent motive, the priests hurry go give up the tithe; they almost stamped with infamy those who might have tried to oppose it, but the decree was unanimous. If one could penetrate into the secret causes of this change, I think it would have been found that it must be attributed to the fear one has made some of them feel for the violence of Paris.» An external observer, Abbé Morellet offers additional details: «It is known that in the night from August 10 to 11, intrigues, promises and threats shaped the disposition of the small number of priests who went to the bureau of the assembly give up their just rights, and that it would have been dangerous for the others not to follow their example» (Kessel 1969, p. 220)¹². In a letter to his constituency, an anonymous deputy cites an over-

¹¹ He had already stayed away on June 17, to avoid being seen to vote against the transformation of the third estate into the National Assembly (Dumont 1832, p. 59). This behavior is somewhat ironic in light of his remarks in the debate on the quorum of the assembly: «While one can hope to influence and convince individuals who are present, by the use of reasons, what influence can one have on those who reply by not appearing?» (AP 8, p. 299). Although he did participate in the debates over the unpopular absolute veto (which he favored), the obscurity of his speeches and his abstention from the roll-call vote protected him from being put on the list of proponents of the measure that was circulated in Paris (Dumont 1832, p. 109).

¹² His testimony may be suspect: Morellet became counterrevolutionary when the revolution deprived him of his ecclesiastical incomes (Lefebvre 1964, p. 151).

¹³ The parish priests, understandably, were «outraged that the Third Estate seemed to be renegeing on a promise made only a few weeks earlier – as part of their appeal for clerical support – never to touch ecclesiastical property» (Tackett 1996, p. 180). One priest exclaimed, «When you begged us, in the name of God, to join you, was it just to cut our throats», only to be met with derision (Lally-Tolendal 1790, p. 114). Nor did the clergy receive any support from the aristocracy, which kept silent throughout the debate, in the hope that «this immediate satisfaction obtained at the expense of the clergy would make the peasants less eager to pursue the abolition of feudal rights» (Jaurès 1968, p. 469). One might ask whether a spillover effect is not just as plausible as this compensation effect (Elster 1999, pp. 23-26), thus raising the question of interaction among *issues* rather than among persons.

heard conversation during which a fellow deputy says that «since the clergy refuses to sacrifice the right to be [indemnified for loss of the tithe], one would have to take the vote by roll-call, since there were several people in the room who would take down the names of those who voted against, and that one would denounce them, in Paris and in the provinces, as enemies of the people who were opposed to its relief» (*ibid.*, p. 215-216)¹³.

Dyadic interactions. The direct effect – not mediated by anticipation of diffusion of information to Paris – of the audience on the votes of the deputies is harder to assess. In the hall where first the third estate and later the assembly as a whole met in Versailles, there was room for between 1000 and 2000 visitors in addition to the deputies. Until May 30, there were no barriers between deputies and audience and even later there were complaints of inappropriate mingling (Lefebvre and Terroine 1953, p. 25). On July 16, the president of the assembly proposed that deputies wear a distinctive mark so that they could recognize each other as well as the strangers in their midst (Creuzé-Latouche 1946, p. 239). The idea was rejected as undermining the principle of equality¹⁴. After July 24 the deputy benches were organized in an amphitheater with a better separation between speakers and audience. Little seems to be known about the rules of admittance of the public and the composition of the audience. We know more about both issues after the assembly moved to Paris.

On June 3 Duquesnoy (1894, p. 66) notes that «It is difficult to know the true spirit of the assembly, because the deliberations are mixed with a murmur of approval or disapproval which comes from the galleries and has nothing in common with the opinion of the deputies.» It sounds as if he is complaining that the presence of the audience makes it difficult for him to assess which way the wind is blowing among the deputies. Observing the proceedings on June 15, Arthur Young (1794, p. 125) writes with disapproval that «the spectators in the galleries are allowed to interfere in the debates by clapping their, and by other noisy expressions of approbation: this is grossly indecent; it is also dangerous; for, if they be permitted to express approbation, they are, by parity of reason, allowed expressions of dissent; and they may hiss as well as clap; which, it is said, they have sometimes done: this would be, to over-rule the debate, and influence the deliberation.» It is hard to tell exactly how much this noisy behavior mattered for the debates and the votes (see Brasart 1988, pp. 69-78 and Castaldo 1989, p. 303-6 for slightly different assessments). On the night of August 4, the audience may have been smaller than in the early days of the Estates-General (Kessel 1969, pp. 133-134). In any case, few writers claim that it had an important direct influence on the decrees, although Rivarol (1824, pp. 145-46) states that the parish priests were pushed over the brink by «the furious galleries».

¹⁴ Creuzé-Latouche (1946, p. 245-146) notes that the next day a deputy from the nobility reintroduced the idea of distinctive mark which would protect noble deputies who were in danger of being attacked by the crowds in Paris where half of the noble deputies lived. In his opinion, this was also the real motivation behind the earlier proposal. Duquesnoy (1894, p. 223) claims that the purpose of the president's initiative was to make the deputies recognized and respected by the people. Bentham (1999 pp. 51-52) cites further advantages of a distinctive dress.

VII. INTERACTION AMONG THE DEPUTIES

Motives. To assess the nature and the importance of interaction among the deputies we have to look at their motives. Let me offer some sample opinions of contemporaries and later historians:

The *Courrier de Provence*, refers to «reciprocal challenge and combat in generosity» (No. XXIII) and to «the seduction of applause, the emulation of outdoing one's colleagues, the honor of personal disinterestedness, and to the kind of noble intoxication which accompanies the effervescence of generosity» (No. XXIV).

Oelsner (a follower of Sieyes) classified the motives as follows: «Some were motivated by the general utility, but many made a virtue of necessity. Some thought they would trap their adversaries, others aspired to praise by newspapers or a group without concern for the consequences; a third was swept up in the general intoxication; and a fourth tried to spoil things by pushing them into extravagance» (Kessel 1969, p. 132).

According to Duquesnoy (1894, p. 285), the main motives were «fear and vengeance».¹⁵

Ferrières (1880, pp. 125, 126) refers to «faked enthusiasm» and to a «feeling of hatred, a blind desire for vengeance».

The Abbé Chevallier, a deputy from Nantes, said that «one does not know what is most astonishing, the audacious imposture of those who offer what is not theirs to give, or the ineptitude of the deputies who, on their instigation, gave sincerely what they ought to have kept» (Kessel 1969, p. 148)

Rivarol (1824, p. 141-142) says that «zeal competed with spite».

According to Droz (1860 vol.II, p. 308), there were «generous challenges and petty vengeance».

For Tocqueville (1953, p. 214) «the night of August 4 was the combined result, in doses that are impossible to determine, of fear and enthusiasm».

For Jaurès (1968, p. 455), there was «as much calculation as generosity».

Kessel (1969, pp. 189-90) finds that «of all the themes that emerge from an examination of the opinion of the privileged orders, the one that dominates all others, is fear».

Fitzsimmons (1994, p. 53) writes that «Although calculation and jealousy may have characterized some actions that evening, the sense of renewal and altruism was far stronger».

According to Tackett (1996, pp. 173-4), «For a few brief moments, the curious combination of idealism, anxiety, and the feelings of fraternity had brought [the deputies] all together.»

I agree with Tocqueville that the exact proportion of different motivations is beyond what we can establish. I shall simply discuss four separate motives that clearly played some role: fear, self-interest, enthusiasm, and spite. Of these, fear

¹⁵ When Fitzsimmons and Tackett cite Duquesnoy (1894, p. 267) in support of their benign interpretation of the motives, they refer to an enthusiastic entry on August 5, not to the disillusioned entry from August 11 that I cite in the text. Presumably calm testimony about false enthusiasm is more credible than enthusiastic testimony about true enthusiasm.

and self-interest arose independently of the motives of other members of the assembly. Enthusiasm typically was emulative, giving rise to comparison-based interaction. As an interactive emotion, spite directly induced interaction.

The role of fear. As indicated above, the fear of the delegates might stem from one of two sources. On the one hand, they might fear that unless they voted for and adopted certain measures, the peasantry in the provinces might persist in their destructive behavior. On the other hand, they might fear that unless they were *seen* to vote for certain measures their physical safety might be in danger.

As in other cases (Elster 1999, p. 274), we must distinguish between prudential fear and visceral fear. The former is only a variety of self-interest, and will be considered below. The latter, like other strong emotions, can undermine the rational pursuit of self-interest, by inducing *urgency* (a preference for early action over delayed action), *impatience* (a preference for early reward over delayed reward) and *biased beliefs* (as the proverb has it: «We believe easily what we hope and what we fear»)¹⁶. Although I have no way of proving it, my impression is that the first and the third mechanism may have played a role. There is a sharp contrast between the momentous stakes and the hurry with which the assembly dealt with the problem. There may have been some opportunity costs of waiting, but this degree of precipitation seems irrational. I return to some other aspects of this complicated issue. Also, there seems to be some discrepancy between the actual and the perceived extent of violence against persons in the peasant uprisings. The proverbial wisdom just cited is amply confirmed by «the great fear» in the provinces (Lefebvre 1988, pp. 72, 75, 96, 117-118, 176). The aristocratic belief in a conspiracy to incite the peasant to burn the castles is similar in many respect (*ibid.*, pp. 98, 161, 232).

The role of self-interest. The conventional wisdom is that the night of August 4 was a succession of self-sacrificial acts. It is natural to ask whether self-interest may have been an obstacle to this trend. Rivarol (1824, p. 148) and Dumont (1832, p. 103) report that Abbé Sieyès was widely accused of acting on self-interest when he presented a sustained argument against the abolition of the tithe without compensation. Even if, as they also state, his argument was valid¹⁷, that does not exclude that he might have been swayed by self-interest in making it. Abolition with compensation or no abolition at all would certainly benefit the clergy in general and Sieyès in particular (Bredin 1988, p. 58 n.). If the uncontested authority of Lefebvre (1963, p. 151) accepts the self-interest charge, without citing his reasons, it may be because of unsavory details from Sieyès's past (Lavergne 1864, p. 174 n.1). Sieyès, in turn, insinuates, without saying it in so many words, that the uncompensated abolition of the tithe was motivated by the interest of the landowning deputies, since it would cause the value of their land to go up (*Courrier de Provence* XXVI p. 19 ff)¹⁸. The role of self-interest is also evident when the secretary of the session, Fréteau, managed to suppress demands for the abolition of the parlements, of which he was a member (Kessel 1969, pp. 169-70).

¹⁶ See Elster (forthcoming) for a fuller discussion of these mechanisms.

¹⁷ Albert Soboul states in an editorial note to Jaurès (1968, p. 469) that the implementation of the decree by the law of March 11 1791 confirms Sieyès's claim.

¹⁸ See also note 13 above.

Many participants and contemporary observers noted that the deputies were most generous in sacrificing what they did not themselves possess. The *Courrier de Provence* (XXIII p. 18) refers to «the hecatombs that mostly cost nothing to those who proposed them». The Vicomte de Noailles demanded the abolition of feudal rights, from which he derived no income, but not of the royal pensions, which he depended on. The Marquis de Foucauld, who had no pension, proposed that pensions be abolished. When the Bishop of Chartres proposed the abolition of hunting rights, he was presumably not making a great personal sacrifice. Parish priests who did not possess a single ecclesiastical «bénéfice» demanded that nobody should have more than one (Ferrières 1880, p. 124). Some of these demands were probably vindictive and are more fully discussed below.

Faced with insurrection, a rational agent may hesitate between repression and concession. The problem is that each strategy can be counterproductive. Repression is subject to a paradox inherent in the «psychology of tyranny» (Roemer 1984): measures intended to stifle insurrection by inducing fear may provoke it by inducing hatred. Concession is subject to the Tocquevillian paradox that measures intended to satisfy popular demands may fuel them instead (Rivarol 1824, p. 152; Dumont 1832, p. 104)¹⁹. Often, the best solution is to preempt the demands, by conceding more than anyone had thought of asking for. What is often characterized as the «generosity» of the proposals and decrees of August 4 might be seen in this perspective. The difficulty, as John Markoff (1996, p. 81) points out, is that the generosity was too carefully hedged to be persuasive. «The rhetorical style of sweeping and highly generalized renunciation followed by extensive qualification and careful definition that wholly altered the commonsense meaning of the initial generalization was an important noble contribution to a rhetorical style that blossomed in the revolutionary legislatures.» Adopting a serious preemptive strategy would have demanded a degree of foresight in which the upper orders of 1789 were conspicuously lacking. The King, in particular, was constantly encouraged to take the initiative and constantly failed to do so.

The role of enthusiasm. A pure desire to promote the public good does not, despite many assertions to the contrary, seem to have been a common motivation among the deputies. As emerges clearly from many of the characterizations cited above under «Motives», they wanted to be *seen* as motivated to promote the public good and, in particular, to be seen as no less motivated than their peers. Kessel (1969, p. 247) also cites a contemporary document that refers to «the heat of the moment that electrified each individual and made him fear being left behind» in

¹⁹ The claim that the decrees of August 4 only intensified the peasant attacks they were meant to assuage is not confirmed by the statistical analysis in Markoff (1996) pp. 443, 461). His diagram on p. 437 shows, however, that the troubles subsided before news about the decrees could have reached the provinces. The relevant fact is nevertheless that they did not resume when the news did arrive. This corresponds with the assessment by Kessel (1969, p. 237) that «the night of August 4 seems neither to have halted nor worsened the disorders».

²⁰ Although Hume (cited after Lovejoy 1961, p. 168) asserted that «To love the glory of virtuous deeds is a sure proof of the love of virtue», I find it more plausible to say with Montaigne (1991, p. 1157-1158) that «The more glittering the deed the more I subtract from its moral worth, because of the suspicion aroused in me that it was exposed more for glitter than for goodness: goods displayed are already halfway to being sold».

the competition to appear generous²⁰. Some sacrifices were certainly genuine, in the sense of involving real losses. Parish priests who held several «*bénéfices*» (ecclesiastical income) might sacrifice all but one (Duquesnoy, p. 267). A magistrate might propose justice to be rendered free of charge (*ibid.*). The deputies from towns and provinces who gave up their privileges certainly had something to lose. Another matter is whether they were genuine in the sense of being offered voluntarily. Buzot (AP 8, p. 354) said menacingly that «the clergy should at least appear to make on its own initiative («*de lui-même*) all the sacrifices which the force of circumstances would force it to make». After enactment of the decrees, a deputy wrote to his constituents that he had sacrificed the privileges of his city because it was going to happen anyway and it «would be very advantageous for you to be cited among those who ceded voluntarily» (Kessel 1969, p. 246).

Earlier, I cited a description of the deputies who voted themselves ineligible to the first ordinary legislature as «drunk with disinterestedness». Some motives cited above suggest that we can impute a similar «noble intoxication» to (some of) the deputies of August 4²¹. While disinterested, the attitude is not dispassionate and hence not impartial²². Given the strong passions involved, we might expect deputies to appeal to the rules of order the assembly had just imposed on itself (July 28) to prevent impulsive decisions (Casstaldo 1989, pp. 334-338). This *règlement* contained two separate delay clauses. Art. IV.4 says that «No proposal can be discussed on the day of the session in which it has been proposed, except if the matter is urgent and the assembly decides that the proposal should be discussed immediately.» As acts of self-binding go, this is obviously not very constraining. An addition to Art. IV says that «Any proposal in legislative or constitutional matters must be brought to discussion on three different days». Although the provisions following this statement may suggest that it should not be read literally²³, nobody in the debates over the decisions taken on the night of August 4 1789 seem to have adopted a non-literal interpretation. Some argued, disingenuously, that the three-day requirement had in fact been fulfilled²⁴; others that it should be ignored (for reasons I shall spell out); but nobody that it didn't exist. I shall take it for granted, therefore, that the deputies believed the *règlement* to require deliberations on three successive days.

²¹ In addition, it is likely that a good portion of them were drunk in the literal sense of the term (Kessel 1969, pp. 192-195). Kessel (*ibid.*, p. 193) cites an historian of the revolution who claimed that a few days later, «to avoid nocturnal and intemperate deliberations, and the reproaches that good Frenchmen who are not deputies could make to good patriots for deliberating upon coming from the dinner table, it was decided that in future debates on important matters the assembly would be sober».

²² I am assuming here the classification of motives into interest, passion and reason (impartiality) deployed by the French 17th century-moralists and further discussed in Elster (1999 a), Ch.V.

²³ Castaldo, (1989), pp. 336-337 argues that it offers the assembly a choice between having three discussions (first in plenary assembly, then in committees, and then again in the full assembly) or just one (in case it decides against sending the proposal to the committees).

²⁴ The controversial decisions by the assembly were taken on August 4, in clear violation of the three-day requirement. When the assembly over the next several days proceeded to fine-tuning the decisions and some objected that they been adopted illegally, the noble deputies Mortemart (*Point du Jour*, vol.2, p. 55) and Montmorency (Kessel 1969, p. 201) responded that since three days had passed the requirement was satisfied.

Almost from the beginning, and certainly on August 4, the assembly ignored this decision to bind itself. In a letter to his constituency, the Comte d'Antraigues complains that in order to «engage the [...] assembly to consent to all the decrees of August 4 one had to [...] destroy the wisest rules of the assembly itself, which put a brake on hasty deliberations», and the Comte de Roys wrote to his constituency in similar terms (Kessel 1969, pp. 127, 200). Having tried to stem the tide on August 4 (except for his own proposal to abolish pensions), the Marquis de Foucauld also referred to the violation of the rules in a speech on August 6 (*ibid.*, p. 200). In response, those who wanted immediate action said that «an élan of patriotism does not need three days» and «since one cannot vary in such sentiments, the three days would be a pointless waste of time» (Beaume and Liancourt, cited in the *Courrier de Provence* XXIV, p. 11). The first part of the latter claim is, of course, nonsense, yet reflects the psychological fact that when in the grip of strong emotions it is often difficult to envisage that they will come to an end (Ch.1 above).

One might explain the assembly's violation of its self-imposed constraint by the fact that there was nobody to hold it to its prior decision. In Bentham's *Political Tactics*, it is argued that in a unicameral assembly precommitment tactics are unlikely to work. Among the advantages of bicameralism, the work cites that of «Maturity of discussion»:

This division is a certain method of preventing precipitation and surprise.

It is true, that in a single assembly, rules may be established which prescribe multiplied examinations, according to the importance of the business; and it is thus that we find in the House of Commons *three readings*, three discussions, at different intervals. [...] It is by these general precautions, and others like them, that the danger of surprise is obviated, and maturity of deliberation secured.

This is true: but a single assembly may have the best rules, and disregard them when it pleases. Experience proves that it is easy to set them aside; and urgency of circumstances always furnish a ready pretext, and a popular pretext, for doing what the dominant party desires. If there are two assemblies, the forms will be observed; because if one violate them, it affords a legitimate reason to the other for rejection of everything presented to it after such suspicious innovation²⁵.

Alternatively, one might offer an account that both explains and justifies the behavior. Addressing the regular tendency of the assembly to ignore the delay constraint, several writers justify it by the urgent imperatives of revolution (Aulard 1882, p. 34; Brasart 1989, p. 44). In the present case, however, this argument does not seem very plausible. The urgency, while perceived, was not real; it was in fact the very kind of spurious urgency the delay constraint was supposed to protect them against.

Another justification may hold out more promise, if we turn a standard argument for constitutionalism on its head. According to that argument, constitutions are ties

²⁵ Bentham (1999) p. 26. This passage was inserted by Etienne Dumont. According to a later letter from Dumont to Bentham, the latter's original text did not favor bicameralism (*ibid.*, p. 25, n.1); in fact Bentham thought bicameralism «needless, useless, worse than useless» (cited after Mueller 1996, p. 205).

²⁶ On September 4, he had already argued that the «three-headed hydra» to be created by the constitution (lower house, upper house, and the King) could not itself create a constitution (AP 8, p. 574).

that Peter when sober imposes on himself to restrain Peter when drunk (Elster 2000, Ch.II). Reversing that argument, Clermont-Tonnerre (AP 9, p. 461) said on October 19 that «anarchy is a terrifying but necessary passage, and the only moment in which one can establish a new order. It is not in times of calm that one can take uniform measures»²⁶. Passion is necessary, one might argue, to make people ignore the petty interests that will otherwise be an obstacle to radical change²⁷. It follows that individuals may want to act quickly if they can predict that a delay will replace passion with the calmness of interest rather than the calmness of reason.

Let me cite some statements that can be interpreted as *responses to the anticipation of decay of emotion*²⁸. The Duc de Mortemart said that «there was only one desire on the part of the nobility, which was to hasten the decree which would consummate all these desire» (Bailly 1804, p. 20). Baron Custine said that «I am against all the delays («lenteurs») that a belated repentance might bring to the most noble disinterestedness» (AP 8, p. 354). In this perspective one may also offer a comment on a statement by Kessel (1969, p. 188), that «the haste with which the patriotic deputies wrote to their provinces» to inform them about the decrees may have been «aimed at preventing the privileged from going back on the decrees». Given that almost all the deputies had something to lose from the decrees, perhaps some patriots also wanted to prevent *themselves* from reneging? These are speculative interpretations, but they do not seem utterly implausible²⁹.

The role of spite. I shall treat spite and vindictiveness together, although they are somewhat different emotions. Spite is hostility based on long-standing animosity towards another agent or group. Vindictiveness is hostility based on a recent action by that agent or group. On the night of August 4, these emotions had, by all accounts, a powerful influence, as will be shown by some examples.

I mentioned earlier Foucauld's proposal to abolish pensions. The explanation may be not merely that he had no pension to lose, but that [i] as a member of the provincial nobility

²⁷ Rudenfeld (2001) is a sustained argument to this effect. He recognizes, as I do (Elster 2000, pp. 159, 173), that constitutions may be written when Peter when drunk. He also argues that this is in general a desirable property of constituent assemblies. With regard to societies as deeply divided as France in 1789, he may well be right; see the passage from Clermont-Tonnerre quoted in the text.

²⁸ Note, however, that this idea is inconsistent with the «hot-to-cold empathy gap» proposed by Loewenstein (1996) and invoked in the text above. On balance, I think people usually find it hard to imagine that their current strong emotion will not last indefinitely, but there are counterexamples (Elster 2000, p. 23).

²⁹ A related justification for ignoring the delay constraint stems from the fact that delays allow for behind-the-scenes intrigues and deals that cannot take place in the full glare of the public (Elster 2000, p. 125). Although I cannot cite evidence that this argument was offered on August 4, it was deployed on another great occasion in the Constituent Assembly. On November 6, the assembly debated Mirabeau's proposal that deputies could be chosen as ministers, the implicit issue being whether Mirabeau himself would be allowed to accede to this function. The assembly seemed favorable, but some deputies asked for a postponement. Le Chapelier, who had «recently come to believe that sagacity was needed to create durable laws, feared that if the vote was postponed to the next day the night would favor the intrigues, and asked that the delay be rejected» (Groz 1860, vol.III, p. 55). He failed, and the next day, when the intrigues had done their work, the motion was defeated (Gooch 1960, pp. 117-118).

³⁰ Ferrières (1880), p. 124 and Bailly (1804, p. 19) claims that these «cross-sacrifices» occurred in the opposite order, which casts some doubts on this often-told anecdote. Pinsseau (1941, p. 74 confirms Droz by asserting that the Comte de Virieu (whom he must have confused with the Duc du Châtelet) proposed the abolition of the tithes «in retaliation» for the abolition of hunting rights.

he felt strong animosity towards the court nobility and the «monstrous gifts» they received from the King (Michelet 1952, p. 213).

[ii] After the bishop of Chartres had proposed the abolition of exclusive hunting rights, the Duc du Châtelet said to his neighbors, «Ah! he takes our hunting, I'll take his tithe», and proposed that the tithe be abolished with compensation (Droz 1860, vol.II, p. 308)³⁰.

[iii] Cottin, a secretary in the *parlements*, demands the abolition of seigniorial justice, whereupon Richier, a noble, demands the administration of the justice of the *parlements* free of charge (AP 8, p. 346). That the latter proposal was meant as a retaliation is made likely by the ironic introduction in which he refers to «the relief the people can expect from the extinction of seigniorial justice».

Mirabeau's younger brother, the Vicomte de Mirabeau, gave up his war pension, asking others to follow suit. This may have been [iv] to bring the Vicomte de Noailles down with him (Duquesnoy p. 279) or [v] to take revenge on the Lameth brothers, whose mother had received a substantial gift from the king (*Moniteur* p. 318).

Rivarol (1824, pp. 141-142) writes that «[vi] younger brothers from good families, who possess nothing, were delighted to sacrifice their fortunate elders on the altar of the country, and [vii] some parish priests enjoyed the equally voluptuous pleasure of renouncing the *benefices* of others».

Duquesnoy (1894, p. 285) writes that [viii] «it was vengeance that led [the nobility] to go after the venality of office».

[ix] Ferrières (1880, p. 125-126) describes how «a large number of voices called out that as individuals had given up their rights and their privileges, it was only just that the provinces and towns equally give up the privileges and rights that weigh on most of the kingdom and creates a shocking disproportion in the distribution of taxes», as if the abolition of one injustice could be justified only by the previous abolition of another.

Even though this or that claim may be attributed to the bitterness of defeated nobles, the cumulative impact of the examples makes them hard to ignore. The more general characterizations are so concordant that it is equally difficult to write them off. Dumont (1832, pp.101-102) describes how «Those who felt themselves ruined by a decree that had just been adopted by unanimity proposed another so that they would not be the only ones to suffer». Ferrières (1880, p. 126) describes the process in terms of dueling: «each party wants to touch («atteindre») its adversary, to aim a blow at him, without worrying about those he receives by exposing himself». The *Courrier de Provence* (XXIV, p. 3) writes that «it seems as if one put up for auction all the old effects, the old powdery feudal titles, and the price asked for the destruction of one was the destruction of another». Of these writers, only Ferrières had an ax to grind. Hence I think Kessel (1969 p. 158) is justified in asserting that «those who had grounds for complaints were mostly concerned with not being privileged, [that is], privileged in misfortune. Hence those who were the most crushed by what was happening, and guided by a feeling of the injustice that bore down on them, took the others with them in a forced equality».

The outcome. The result of this process, in which particular interest and emotions of fear or spite mingled with genuine or feigned enthusiasm, was to realize the general interest. Following Marx (1967, p. 657), one might cite an English proverb, «When thieves fall out, honest men come into their own.» The *Courrier de Provence* (XXIV, p. 3) writes that «although one might proceeded with more method, the results would not have been more advantageous. The kind of mutual

challenge of the different orders [...] turned entirely to the general good'. Duquesnoy (1894, p. 285) writes that since it was fear that made the nobility to give up his feudal rights and vindictiveness that made them attack venality of office, «it is clear that fear and vengeance made the public good». Clermont-Tonnerre was probably right when he claimed that such «uniform measures» could not have been brought about in any other manner.

As noted above, the outcome was cemented, perhaps deliberately, by the haste with which the deputies informed their constituencies. Once the news had been diffused, there was no going back. On September 18 Duquesnoy (1894, p. 349) cites a Germanicism by the Alsatian deputy Rewbell: «the people are penetrated by the benefits they have been promised; they will not let themselves be depenetrated». In a letter to the deputy Faulcon of September 22, we read that «Landowners, to whatever order they might belong, probably regret the sacrifices they made in a moment of delirium; but how can one go back on gains that were announced with such blameable haste?» (Kessel 1969, p. 381 n. 940). Later, the assembly tried to sabotage its own decrees by the legislation enacted in March and May 1790 (Markoff 1996, pp. 460-462). After many twists and turns, all feudal rights were abolished without compensation on July 17 1793.

VIII. CONCLUSION: EMOTIONS AND COLLECTIVE DECISION-MAKING

The most salient aspect of the interactions I have discussed is probably the role of emotion. Visceral fear, vanity, enthusiasm, spite and vindictiveness all contributed to the unanimous vote on August 4. Without claiming that the situation was unique in that respect, I believe it was unusual.

Emotion and social interaction have been studied under the heading of *emotional contagion*. Hatfield, Cacioppa and Rapson (1994) argue that emotional contagion is based on (i) unconscious mimicry of the emotional expression (e.g. smiles) of others and (ii) feedback from the expressions that are mimicked to the emotions themselves. This mechanism does not rely on any cognitive mechanism for mediating between the emotions of different individuals. Although the authors (*ibid.*, pp.124-125) cite the Great Fear of 1789 as an example, they provide no evidence that it conforms to this model. In fact, as I have argued, cognitive distortions probably played a key role in the Great Fear.

Social interaction and collective decision-making have been studied from many perspectives, some of them mentioned in Section II. Unless people are bound by imperative mandates, the votes they cast can be influenced by discussion, by observation of how others are voting, by vote-trading, or by strategic considerations such as the desire to avoid «wasting one's vote». In the last case, what shapes the individual's vote is not the actual behavior of others, but anticipation of their behavior, which may in turn be based on their anticipation of his, etc. One might perhaps refer to such behavior as *virtual interaction*, to distinguish it from genuine causal interaction.

Emotion and decision-making have been extensively studied, but mainly at the individual level. Although emotion can under some conditions improve the qual-

ity of individual decisions (Isen 1993), it is more likely to have a negative impact, either by clouding thought, biasing it, or induce suboptimal investment in information-gathering (Elster forthcoming). In group decisions, the outcome may be affected by prior emotional bonds between members of the group (Sunstein 2000, pp. 91-92). Also, as illustrated by the role of the fear of peasant uprisings in the Constituent Assembly, emotion may serve as a common cause that shapes decision-making by affecting each member separately. The emotion was shaped by interaction, but not among the members.

The case study I have presented involves all three factors: emotion, decision-making, and social interaction among the decision-makers. It may usefully be linked to experimental work on jury deliberation (Sunstein et al. 2002), which found that discussion tends to produce more extreme outcomes, compared to the average outcome of individual decisions, because of a «rhetorical asymmetry» that gives an advantage to extreme positions. The story of August 4 1789 is certainly one of going to extremes. It is hard to tell, however, whether the behavior was due to the fear of being (seen as) sacrificing less than others, to the vainglorious desire of being (seen as) sacrificing more, or to genuine enthusiasm.

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