

VOLTAIRE  
AND THE JURA SERFS

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## ABSTRACT

From 1770 until his death in 1778, Voltaire led a most vociferous campaign against the remnants of feudalism in France. The emphasis of his campaign was placed on the institution of serfdom, a system of seigniorial rights which entitled a lord to specific services and fees from his vassals. Voltaire's interest in serfdom was sparked by the fact that there existed some twelve thousand peasants living as serfs due to rights existing since the middle ages, at Saint-Claude, only a few miles from his estate of Ferney near the Swiss border. Voltaire's concern for these serfs was augmented further by the knowledge that the lords of Saint-Claude were in fact a group of twenty Benedictine monks.

The aim of this dissertation is to examine Voltaire's campaign, not only for the emancipation of the serfs of Saint-Claude, but for the abolition of feudalism throughout France and for the establishment of a uniform code of law. This subject has never been fully investigated, and consequently, in light of the approach of the bicentennial anniversary of Voltaire's death, a study of the campaign for the serfs of the Jura mountains does seem appropriate.

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## PREFACE

The belief that feudalism in Western Europe died with the Renaissance is as serious a misconception today as it was two hundred years ago. Indeed, despite proof to the contrary, many educated men of the Age of Enlightenment were unaware, or refused to believe, that there were still millions of Europeans outside Russia tied to the land as serfs, often more tightly than at the height of the Middle Ages. So it was that many of those who should have had personal knowledge of the institution of serfdom, men like Née de la Rochelle, a sub-delegate of the parlement in the Nivernais, were able to declare that serfdom had been abolished in the twelfth century.<sup>1</sup> This statement was made despite the fact that the province of Nivernais possessed one of the highest concentrations of serfs in France.

Serfdom was not at all confined to the shadowy expanses of the Russian Empire, as one might tend to believe. Although there were more serfs there than in any other European nation, ten million in all.<sup>2</sup> There were also six million in Germany and Hungary, three million in Poland,<sup>3</sup> others in Denmark and Savoy<sup>4</sup> and nearly one hundred and forty thousand in France.<sup>5</sup> As the total number of serfs in Europe during the eighteenth century

approaches the total European population during the twelfth, it becomes evident that serfdom was far from dead.

The fact that this remnant of a more violent and unsettled time still existed in France, the very epicentre of the Enlightenment, dismayed and angered Voltaire. It dismayed him still more to learn that there were twelve thousand serfs living, under the authority of twenty Benedictine monks, in such conditions as to make any man with a spark of humanitarian feeling, and Voltaire was often an inferno, renew "his doubts that his century was truly one of light".<sup>6</sup> And the Benedictines and their serfs were not six miles from his estate at Ferney.

Upon learning that a young lawyer of the village of Saint-Claude, Charles Christin<sup>7</sup>, had undertaken to defend the case of the serfs there, Voltaire, already in his late seventies, entered into the cause with such vigour that it would, in less than a year, be almost as famous as that of Calas of Toulouse. It was unfortunate, however, that the case of a single act of injustice or intolerance could be attacked more successfully than could the existence of an unjust institution. While it was relatively simple to obtain the pardon of one man, or one group, it was virtually impossible to destroy a deeply rooted but equally intolerable institution. Single cases, such as those of Calas, La Barre, and Sirven, tended to receive wider support, while more widespread injustices often went unnoticed.

It was Voltaire's nature during the last two decades of his life to be crusading endlessly and during the 1760's and 1770's he undertook to challenge no fewer than fifteen cases of injustice. So while fighting to emancipate the serfs of Saint-Claude, and to abolish serfdom throughout France, he was also deeply involved with the affair of the peasants of Gex, the criminal cases of Langlade, Lebrun and Martin, to name the most noteworthy. Without some banner to raise, Voltaire would have had no reason to have lived to the age of eighty, longer, as he often said, than he should have done. He realized this himself when he said: "Ma destinée est de prendre le parti des opprimés".<sup>8</sup> He was unequivocally and irrevocably committed to the serfs and vowed in November, 1770, early in the campaign:

"je travaillerai pour eux jusqu'au moment de la décision, et qu'il faut absolument qu'ils soient libres."<sup>9</sup>

The purpose of this dissertation is to examine the case of the serfs of Mont Jura and Voltaire's association with it. This will lead in some detail to his campaign for the abolition of serfdom in France, the opposition he encountered and to the turn of events. The reason for Voltaire's failure, for if one counts a court decision in favour of abolition as sufficient mark of success then he did indeed fail, is a reflection of the nature of the society of eighteenth-century France and they will be discussed in detail. The campaign also had far-reaching



influences on the growth of humanitarian thought leading up to the Revolution, influences which Voltaire did not foresee, and these too will be examined. Nor was Voltaire the only writer to be concerned with the abolition of serfdom in France. P.F. Boncerf was as energetic as was Voltaire in his campaign, and was often more realistic; he had the added advantage of being an authority on French agriculture.<sup>10</sup> His major work Les Inconvénients des droits féodaux, published in London in 1776, aroused such opposition in Paris, quite unnecessarily since it was very mild in tone,<sup>11</sup> that it was condemned to be burned on the steps of the palace in which sat the parlement of Paris.<sup>12</sup> Voltaire was succeeded in the 1780's by other writers, such as the Abbé Clerget who continued his campaign until the Revolution when serfdom was formally abolished.<sup>13</sup> His successors will come under examination at the end of this work.

## I. THE GROWTH AND PRACTICE OF SERFDOM ACCORDING TO VOLTAIRE

One of Voltaire's strongest arguments against the existence of serfdom at Saint-Claude was legal. He attempted to prove that the titles held by the monks and giving them possession of the land and of the serfs were fraudulent. Indeed, he claimed that no titles, fraudulent or otherwise, had given the order of St. Benedict the right to govern these lands as fiefs and to reduce the peasants living there to the level of serfs.<sup>14</sup> How then, had serfdom come to exist in Mont-Jura? It is with this question in mind that Voltaire, a successful historian in his own right,<sup>15</sup> closely examines the history of the Benedictine Order of Saint-Claude and of the province of Franche-Comté. It is to his credit as an historian that he does not commit a common error of most eighteenth-century historians by propagating, what Mackrell calls, "the myth of feudal anarchy".<sup>16</sup>

Most historians of the Enlightenment viewed the Middle Ages as a time of great disturbance when bands of marauding nobles traversed the countryside pillaging and murdering. It was a time when rapine was an almost expected occurrence and the only sanctuary lay in a church, or in the shadow of one of the many wooden crosses which had been erected throughout the countryside for that very

purpose. Acquisitive nobles usurped the liberty of the peasants and forced them to give up certain rights. This, it was claimed, was the origin of the droits de seigneur, hereditary rights due a lord for his rank alone.

This sanguinary history, however, proves to be inaccurate, for the development of feudalism was far more complex. The first stage in its development dates from the fall of Rome towards 450 A.D. and lasted until about 1000 A.D., the time of consolidation of the French kingdoms and duchies.<sup>17</sup> During this period, the barbarians migrated from the east to the more moderate climates of Western Europe. The Visigoths, Franks, Burgundians, and other tribes conquered most of the former province of Gaul and settled there. Those who were not Christians were converted by the clergy who had remained in Gaul after the disappearance of Roman occupation. The barbarians, in Voltaire's words, accepted christianity

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"pour ne pas être rangés parmi  
les boucs quand la trompette  
annoncerait le jugement dernier"<sup>18</sup>

They thereupon confirmed the monks in their possession of the lands they held. The monks, who were literate, while the barbarians were not, drew up the titles themselves, and in many cases, often forged deeds to land they did not possess. Knowledge of these circumstances, Voltaire insists, was lost in the dust of centuries and he felt able to claim that of one thousand ancient charters in the possession of the monks, only one hundred were genuine.<sup>19</sup>

Although basically correct in this belief, Voltaire tends to ignore the fact that during the lower Middle Ages the term 'legality' and its opposite were not as clearly defined as he believed them to have been. He is using eighteenth-century values to judge sixth-century acts. If his percentage of genuine to fraudulent charters were correct, there was no way Voltaire could have known it. There were no well established methods for dating documents, and the only method to disprove the validity of a title was to produce another to contest it. It is one of Voltaire's common techniques to make a statement in unequivocal terms in the belief that the assertion will be taken as truth on his authority alone. Voltaire believed that the misfortune of serfdom could have been avoided. In one of his many letters, he states:

"On rit du péché originel: on a tort...  
 Le péché de ces pauvres serfs...est  
 que leurs pères bons ou mauvais  
 laboureurs gaulois ne tuèrent pas  
 le très petit nombre de barbares,  
 ...qui vinrent les tuer et les voler."<sup>20</sup>

If the fathers of these "pauvres serfs" had killed off the invaders, according to Voltaire, the monks would have had no opportunity to seize the land, would not have been able to threaten the illiterate barbarians with purgatory to force them to confirm fraudulent titles, and consequently, there would have been no serfdom. This oversimplification presupposes the arrival of no other invaders. To state that the original sin of the peasants

was not to have killed off the invaders when the opportunity presented itself does, however, have far deeper ramifications. It is an echo of Voltaire's rejection of the Christian notion of original sin, for he considered the doctrine of original sin to be one of the methods by which the Church held sway over the people. Much of Voltaire's force lies not in what he says but in what he implies, as one can see.

As the various kingdoms and duchies were taking form, fighting men of rank were granted tenure of land in return for a set annual period of military service, the "ban" and "arrière ban". With this grant, which was in no way hereditary, the new lord received certain privileges in the form of service from the peasants. They were to feed him and his household, to provide men for the king's service, and in return, he would protect them and grind their corn in his mill. The word 'tenure' is important here, for it implies occupation rather than ownership; a man held the land for the king.

The second stage in the development of feudalism dates from about 1000 A.D. to about 1500 A.D. and can be described as the reign of feudalism. During this period, tenures became hereditary and, gradually, the military service in return for which they had originally been granted disappeared with the development of the professional standing army. The lord grew increasingly

powerful, and royal control over him diminished accordingly. He took upon himself the power of life and death over his vassals, granted himself various rights to their property, crops and services, thus reducing them to slavery.

The abbé of Oyan at Saint-Claude, by his boldness and cupidity, in Voltaire's words, usurped the right to coin money, to give safe passage, to grant letters of nobility and to appoint monks as civil judges. This was the beginning of serfdom in Saint-Claude. On March 14, 1436, Phillip the Good, Duke of Burgundy<sup>21</sup>, abolished these rights, which constituted an important source of revenue for the order, and the monks set out to make good the loss. They took their vengeance on the inhabitants of the region, confiscating goods, crops and money. What justification they gave for these actions is unclear, but it seems that the peasants who were deeply religious fell victim to the threats of damnation that were hurled at them.

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The Inquisition of the late fifteenth and sixteenth centuries proved a very useful tool in the hands of the monks. They were able, on purely religious grounds, to confiscate a man's property simply by accusing him of heresy. Since heresy is much more difficult to disprove than it is to prove, as Voltaire discovered when he supported the case of the Chevalier de La Barre, the wealth of the order grew substantially. This is the third and last stage in the development of feudalism, and marks its

decadence.<sup>22</sup> It was during the French Inquisition, which at that time was no less bloody than its infamous Spanish counterpart, that, to quote Voltaire, "la rapine devint sacrée"<sup>23</sup> and the Order of Saint-Claude became as powerful and as despotic as it was during Voltaire's lifetime.

The responsibilities of the seigneurs for which their original tenures had been granted had disappeared before the middle of the sixteenth century, for by then the king no longer received military service from the nobility as a matter of course. It was still true that the nobility constituted the largest source of officers for the army, but this was on a purely voluntary basis, and there was no longer any question of this service being rendered as repayment for feudal rights. The growth of absolutism under Louis XIII and Louis XIV during the seventeenth century stripped the nobility of all political power, but they continued to exercise rights granted to them as agents of the royal will. Consequently, it may be said that by this time, "only the purely fiscal side of feudalism remained".<sup>24</sup> By what right, then, did the tenures continue to be upheld? For the lord, it was natural right, a right due to him because of his rank; for the monk, it was a matter of divine right.<sup>25</sup>

As early as 1734 in his Lettres philosophiques, Voltaire had claimed the maintenance of these rights to be an abuse. Since the raison d'être of feudalism had

disappeared, he argued, so should its privileges. Although it does verge dangerously on the edge of the "myth of feudal anarchy", the following line from his Siècle de Louis XIV describes the situation very concisely:

"L'anarchie féodale ne subsiste plus et plusieurs de ses lois subsistent encore."<sup>26</sup>

"Yet, as happened so often under the ancien regime", writes Mackrell, "a partial collapse of the system did not lead to its replacement."<sup>27</sup> Instead of being broken down, this obsolete institution, was buttressed by new legislation to ensure its continued existence. One may visualize this by imagining a decrepit structure which, far from being demolished, is reinforced by the cementing of new bricks onto the old. The foundations are no less decayed, but the outside appearance is improved. Mackrell reiterates this failure to replace feudal institutions when he says that:

"once the coutumes had been demoted from a menace to a nuisance, however, the government did little to reduce their authority further."<sup>28</sup>

The monks of Saint-Claude were not secularized until 1742, so they were, technically, a comparatively new order, but they had held the serfs under their control for several hundred years on the authority of these coutumes alone. Larousse defines coutume as a "règle de droit tirant sa valeur de la seule tradition". It was a system of customary law without legislative sanction. The coutumes



were upheld in the courts on the strength that their continued practice had legitimized them. In addition, further legitimacy was granted them when the crown ordered the redrafting of the various provincial coutumes in 1580.<sup>29</sup>

These bodies of customary laws, so often in conflict with the interests of the crown, were defended in the seigniorial courts by a host of very capable lawyers acting on behalf of the nobility. As the crown sank deeper into debt during the eighteenth century, the urgency of limiting the powers of the lords arose, but the crown did not possess the funds which would enable it to argue against the lawyers who upheld the rights of feudalism. The need for increased tax revenue grew pressing and Turgot, minister of finances during the 1770's, realized the necessity of reforming the system of taxation. His plan to readjust the proportion of payments was abandoned, however, before a solid front of noble opposition.

It was the crown's misfortune that, during the mid-seventeenth century, it had discontinued the employment of young lawyers of great promise. All that remained to defend royal interests in the courts was a pool of lesser jurists and clerks who had neither the knowledge nor the ability to argue successfully in favour of the crown. The experienced jurists, men of whom the King had very great need, regarded private practice as far more lucrative than royal service. Consequently, they were employed by

wealthy lords who were more than willing, and able, to pay the fees they justly deserved in return for expert aid. They were well versed in feudal and customary law and more often than not successfully defended the seigniorial rights of their employers, the lords, against the interests of both crown and peasant. The crown had no such capable jurists in its employ and, what is more, often failed to be represented at trials concerning customary law in the provinces. The King paid dearly for not having patronized these lawyers and efforts to reform seigniorial law met with almost universal failure.

The failure to challenge successfully the power of customary law constituted an insurmountable obstacle to the establishment of a uniform code of law for France and was a major cause of the Revolution.<sup>31</sup> The coutumes imprisoned the ancien régime in the past, and when great ministers like Turgot were attempting to reform French government, powerful seigneurs, with very capable jurists to defend them, were preventing improvements which would probably have assured the continued existence of the nobility after the 1790's. The practice of feudalism, therefore, was left to proliferate unchecked by any strong opposition based on legal grounds and supported by the crown.

Nowhere was the encroachment of serfdom felt more than at Saint-Claude, and Voltaire describes in great

detail the pretensions of the Benedictine monks over their peasant subjects there. But was life under the Order of St. Benedict at Saint-Claude truly as difficult as Voltaire describes it? The picture of beneficent monks keeping a watchful eye on the welfare of their flock is an illusion which many people held and still hold today. The chapter possessed such all-encompassing powers, however, as to make them despots; and kindly despots they rarely were.<sup>32</sup> For the most part, the serfs lived miserable and precarious lives because they were liable to disinheritance and eviction on any one of a number of pretexts. The difficulty in living in a rather unfriendly climate was multiplied by the incursions of the order. The serfs passed their lives under the shadow of mortmain, and despite the extremes to which Voltaire often goes, the case against serfdom in Saint-Claude and in the whole of France was a very strong one indeed on humanitarian grounds alone.

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The strict definition of mortmain, in French mainmorte, is "the inalienable possession of land or building by an ecclesiastical or other institution".<sup>33</sup> This definition, however, falls short of describing the real institution of mortmain as it existed in eighteenth-century France. The Benedictine order possessed not only all of the lands and buildings within its domain, but the lives of the inhabitants as well. The peasants were governed by a highly detailed system of coutumes, which was so restrictive as to make it necessary for a

child to sleep under the roof of his father, in a very literal sense, lest his inheritance be made forfeit. The differing systems of coutumes throughout the provinces of France were so dissimilar that they resembled laws of foreign nations. Voltaire once said that a man travelling across France changed legal codes more often than he changed horses, and that a lawyer who is very knowledgeable in one town would be nothing but an ignoramus in the neighbouring town.<sup>34</sup> The system was all the more confusing in the province of Franche-Comté, for it had been annexed to France only in 1678 and its coutumes resembled less those of France than those of Hapsburg dominions from which it had been seized. One of the most important aspects of Voltaire's struggle for the serfs of Saint-Claude, then, was that it constituted a part of his ongoing campaign for the codification of all French laws and the elimination of the various coutumes.<sup>35</sup>

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A hot debate raged for many years as to the origin of the word mainmorte which was thought to have literal associations. The legend was, that if a serf died leaving nothing to his terrestrial lord, or if the master was unhappy with what he had received, he thereupon ordered that the right hand of the cadaver be cut off in signum dominii et servitutis,<sup>36</sup> and presented to him as recompense. This would serve as a confirmation of his control over the serfs and a warning to the family of the

deceased man and to the community as a whole to be more productive in the future. Mackrell doubts that this custom was ever practised.<sup>37</sup> However, the legend was accepted as truth by many, including Voltaire.<sup>38</sup>

There was a second meaning to the word mainmorte and this was the inability of a serf to bequeath land. The term was also applied to the clergy, who, by rights, were supposedly not permitted to possess goods or land and were therefore incapable of bequeathing anything. Both origins of the word were accepted as fact, and both were probably quite valid, although it was the former which provided much fuel for the anger of the abolitionists. It is doubtful, however, that the gruesome custom was ever practised during Voltaire's lifetime, for there would have been direct references to any such cases, and none exist. Nor did Voltaire attempt to invent such an episode for polemic reason. He was not averse to a little truth stretching to give proof of the horror of serfdom, but he makes only indirect references to the unusual practice of severing hands.

There were three types of servitude: personal, concerning the conduct of serfs and of body servants, real (réel), concerned with land ownership and its use, and mixed (mixte), which was a combination of both. The serfs of Saint-Claude lived by the last of the three, and practically every facet of their lives was governed by this mixed servitude.

At the death of a serf, his male children were allowed to inherit only on condition that they had spent every night under their father's roof for a year and a day prior to his demise. The female children were not allowed to pass one night away from the paternal house, or their inheritance would fall forfeit to the seigneur. Because of this provision, which was called the law of reprête et échute, a child could not seek employment away from his father's house. If he did find work elsewhere, he remained mainmortable so that any money he made in these enterprises would ultimately belong to his lord. This technicality often led to indolence and overcrowding in the serf's households. There was little comfort in the life of a serf, save the bed of his wife. Birth control in the form of contraception was virtually unknown,<sup>39</sup> so that, despite the high infant mortality rate, French families tended to be rather large.<sup>40</sup> The serf feared to enlarge his home, for there was a tax on both the number of rooms and the number of windows in a house, and a large family would often be crowded into two or three rooms. The law of reprête et échute, the formal name of the law of habitation of a year and a day, was intended to ensure the keeping of the religious communion, to preserve the family unity prescribed by the church, but it often had the opposite result. Family arguments were common, as they would be in an overcrowded household, and it was not unusual to see the break-up of serf families.

On the death of a serf, the monks often confiscated much of the more valuable belongings as an inheritance tax, so a child was never sure of inheriting, even though he had fulfilled all legal requirements. If a man died without children, his holdings passed automatically to the order, and his widow was left to fend for herself, although she still remained a serf.

On October 15, 1773, Voltaire wrote to Christin concerning a Mme Aberjou who had been condemned to poverty by a former councillor of the parlement of Besançon, called M. Brody. Voltaire describes her as "une infortunée, dépouillée de tous ses biens en vertu de cette abominable mainmorte..."<sup>41</sup> He then goes on to say that Brody "lui a pris jusqu'à ses nippes et ses habits; on a fouillé dans ses poches; il ne lui reste que ses papiers...". It would seem that the executors of mortmain were rarely touched by humanitarian feelings. Her circumstances well illustrate the contemporary practice and offer proof that Voltaire's descriptions were based on fact and first-hand knowledge, and were not inventions of the author's lucid mind. Voltaire concludes the letter, in a rather understated manner, "Brody n'est pas tendre." This is just one example of the thoroughness with which this "abominable" institution was enforced.

The confiscation of all a serf's goods did not mean that his children were free from the incursions of mortmain, for although they inherited no land, they were

still mainmortables and still responsible for their father's debts which did not pass to the seigneur with his land and goods. The only method by which a man could rid himself of mortmain was to renounce all his claims to inheritance and quit the area leaving behind all of his possessions including, in theory, his clothes. The serf was not free to sell or exchange his land without prior permission from his lord, who then took a percentage of the transaction as payment for transferring the deed. This prevented a farm from being passed into hands more capable of cultivating it, and arable land often went untended. Nor, despite these exactions, was the serf free to till his land in peace, for he was required to work two or three days per week on the master's land. This was the corvée, a legacy from the Middle Ages when vassals did not own their farms but payed rents in the form of produce and labour to the seigneur. Coupled with the religious law prohibiting work on Sundays and on religious holidays, this left the serf with a maximum of one hundred and thirty days to raise his own crops, not taking into account the whims of the capricious weather in an area where the climate was unfriendly. The lord's fields were of the highest priority and in the event of an emergency, such as storms during harvest, for example, the serf was forced to neglect his own crops to ensure the safety of those of his lord. Starvation in the household of a serf, at a



time when the lord's granaries were over-flowing, was not an uncommon event during the eighteenth century. If a serf faced debt because of his poor production, he was allowed no credit, nor could he borrow.

The personal life of a serf was also an area in which the influence of the lord played a great part. It should be understood that the terms "lord" and "seigneur" refer also to the monks, for they, too, were seigneurs. There were numerous coutumes, which specified whom a serf could marry, where he or she was forced to live, even the place in which the marriage vows were consummated. In addition to being forced to spend her unmarried life under the roof of her father, a newly married girl was obliged to spend the wedding night there as well. In other words, she was to lose her virginity under her parents' auspices. She could marry outside the seigneurie only by permission from the lord and by payment of a fine known as formariage which was often a very substantial sum. This fine was intended to recompense the lord for the loss of the services of any male children she might have had within the lord's domain. It was undoubtedly to the seigneur's advantage to have serf children born on his property. The Chapter of Saint-Claude often despatched judicial letters of inquiry to discover the exact place a girl had been deflowered and there was more than one incident where the agents of the order intimidated a girl's neighbours to testify against her, or claimed to have

found witnesses to disprove her testimony. It was the girl's responsibility in the event of her father's death, to prove her just claim to inherit under the provision of mortmain.

One such case was placed before the parlement of Besançon on June 22, 1772, and was reported by Voltaire himself in his work La Voix du curé written in October of that year. Jeanne-Marie Mermet was accused by the order of having spent the first night of her marriage somewhere other than in the house of her father. Her inheritance was therefore forfeit and would pass to the order. The Chapter attempted to prove their case with testimony from supposedly reputable witnesses, but the part of Jeanne-Marie was so well argued by Voltaire's young lawyer, Christin, that the tribunal unanimously decided in her favour. Not only did she receive her inheritance, but she was also granted a monetary recompense for any injury done her.<sup>42</sup> It must have been a very happy day for Voltaire to see the clergy defeated before a civil tribunal.

A new bride, after the first night, was required to live with her husband and his parents. The couple could not live with the parents of the bride, for any man living in the house of his father-in-law automatically lost his own inheritance for himself and his children would subsequently be unable to inherit. Similarly, any

free man living with an enserfed wife, himself became a serf; in the same way, a free woman lost her liberty if she married a serf.

As illustrated by the Cahiers of 1789, one of the most common grievances was the law which obliged a serf to have his wheat ground in his lord's mill and his grapes crushed in his lord's presses. This law, one of the banalités, was of obvious profit to the seigneur, for he exacted any fee he wished for the service, being free from the fear of competition from other mills. This often entailed the hauling of grain and grapes many miles over poor roads, when there may have been another mill, much closer, but on free land. What is more, the lord taxed all goods brought to market, a tax called the péage, so that if a serf had managed to raise a good crop, he was still not free to sell it to his own advantage.

Perhaps the most controversial of all the droits de seigneur were the droit de cuissage or jambage and the droits de chasse et de pêche. Hunting rights were most definitely still enforced and often caused considerable damage to the crops of the serfs when the lord decided that his quarry was hidden in their fields. The serf, however, had no right to augment his diet by hunting or fishing and to be caught doing so sometimes led to the removal of a finger.

The droit de cuissage, the right of a lord to sleep

the first night with a newly married bride, was no longer being practised in Voltaire's time, although in some places, a monetary payment was made instead. Many educated opponents of feudalism, however, claimed that this practice was still in existence. Even Voltaire stated in his Dictionnaire philosophique, that the commutation of the right to a monetary payment had been introduced only several years earlier.<sup>43</sup> Mackrell argues that if this rather pleasant right was being enforced during Voltaire's times, it would most assuredly have been specified in the Cahiers as a major grievance.<sup>44</sup> It was, however, not mentioned and one may conclude that it had long since disappeared. The assertion that the droit de cuissage still existed was an effort by some of the abolitionist writers to conjure up more ill feeling towards the hated institution of serfdom.

The power of the monks was not limited to men and women living within their domain and who were, in effect, owned outright by them. Voltaire writes of the case of a business man, come to this "barbarous" country of Franche-Comté to handle his affairs.<sup>45</sup> He rented a house for a year and a day, a very propitious length of time, and then died while away in another province. An agent of the Order of Saint-Claude came to the house, seized the furniture and sold it in the name of the monks. The family was driven out and left to its own devices.<sup>46</sup>

The story was more than likely invented by Voltaire, for had the incident in fact taken place, the merchant would have become, for Voltaire, another cause célèbre, another Calas or La Barre. He goes on to stretch the credibility of the reader even further by saying that he has seen a hundred cases in which holders of the Order of St. Louis had bought land without knowing that it was subject to mortmain, and had thus become serfs.<sup>47</sup> He insists on the ease with which a free man may become mainmortable unwittingly, but ignores the fact that these areas where the institution was still in force would most certainly be of known ill repute.

Two instances illustrating the injustice of mortmain do, however, have somewhat more substance to them. One M. Nicod<sup>48</sup>, a surgeon of Morez, had come to Saint-Claude and had successfully treated two serfs there. The surgeon then approached an agent of the Order to obtain his fee for the service. Not only was he refused payment, but he was told:

"Loin de vous payer, le chapitre  
devrait vous punir; vous avez guéri,  
l'année dernière, deux serfs dont la  
mort aurait valu mille écus à mes  
maîtres."<sup>49</sup>

The dialogue was probably invented by Voltaire but one may suspect that such an incident did take place. The second case concerns a notary of Saint-Claude named Nidol and definitely an acquaintance of Voltaire and Christin,

who had officially received the protestation of the serfs which was to be presented before the King's council. The Bishop of Saint-Claude expressed, in no uncertain terms, his desire to see the notary made destitute as reward for his daring act.<sup>50</sup>

Despite the belief of some of Voltaire's contemporaries that serfdom had disappeared long before the 'century of light', this feudal institution was still exercising its influence in several parts of France, as has been shown, and as Voltaire states. And despite his lapses into exaggeration, and often invention, Voltaire describes the life of a serf with much accuracy. In many instances, however, peasant life free from feudal inhibitions was often equally difficult. Why was it, then, that serfdom in Saint-Claude held such fascination for Voltaire and many of his contemporaries when the struggles of free farmers received much less attention? The vision of poor, yet proud, serfs, their backs bent under the yoke of a powerful and oppressive clergy possessed a romantic appeal which the struggles of the everyday farmer did not. It provided an endless source of inspiration to Voltaire in his ongoing attack on the clergy, and perhaps in this lies its importance. He had a deep hatred for the church, the clergy in particular, and here at Saint-Claude, not six miles from his home at Ferney, was a fine example of the oppression by the hated clergy of what he called a proud and industrious people.

In order to win the emancipation of the serfs, Voltaire could not argue directly against the church, since it was a powerful institution second only to the crown. How then, did he attempt to make his readers realize the obsolescence and iniquity of mortmain? Some of his readers, many of them fief-holding seigneurs themselves, would doubtless not be touched by the sight of a poor serf working for his lord. For Voltaire had to convince not only his regular reading public, most of whom sympathized with him in any case, but the crown and the seigneurs themselves, for it was they who, in effect, had the power to abolish feudalism in eighteenth-century France.

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## II. VOLTAIRE'S ARGUMENTS AGAINST SERFDOM

Voltaire realized early in his campaign for the serfs of Mont-Jura, that one of the major problems confronting him was the serfs' ingrained belief that they always had been, and always would be, mainmortables. This was the psychology of serfdom. The peasants were convinced from birth, by their parents, by the monks of Saint-Claude, by the very conditions in which they lived, that they were slaves. In a letter dated March 25, 1771 Voltaire explains:

"On leur avait persuadé qu'ils étaient nés esclaves et ils le croiaient bonnement. L'INSTRUCTION FAIT TOUT,<sup>1</sup> comme vous le savez."<sup>2</sup>

As stated briefly in the introduction, there were many men of education in France who even went as far as to deny that serfdom still existed. Mackrell is aware of the necessity to educate Frenchmen before there could be any hope of reform. He states:

"It was one of Voltaire's main aims in his campaign against serfdom to demonstrate to those who denied the existence of serfdom in France that... serfdom still existed... . To make Frenchmen aware of the presence of serfdom in France was, therefore, the first and not the least important step towards securing its abolition."<sup>3</sup>



From 1770 to 1778 Voltaire published eight pamphlets on the subject<sup>4</sup> including several suppliques addressed to the King and his councils. The campaign is treated in his Siècle de Louis XIV, while articles on slavery and on the cause of the serfs of Mont-Jura in particular are included in the Dictionnaire philosophique.<sup>5</sup> In addition to these writings, Voltaire and Christin, the young lawyer of Saint-Claude, published in 1772 a longer work concerned wholly with the topic. The paper is generally known as the Dissertation.<sup>6</sup> Furthermore, Voltaire wrote over two hundred and fifty letters on the subject of the serfs to a score of different people. In his correspondence he is often less restrained than in his supplications to the king, so that we are given an insight into his feelings at different moments in the campaign. Two hundred and fifty letters may not seem a great number when one considers that there are more than twenty thousand letters by Voltaire extant, and many others which were lost or destroyed,<sup>7</sup> but it must be remembered that Voltaire was a man of almost universal interest and involvement, and the cause of the serfs was only one of his many interests at the time. The correspondence which concerns the case of the Jura serfs was, for the most part, addressed to the following people: the Duke and the Duchess de Choiseul, the Count d'Argental, Charles Augustin Ferriol, Jean Le Rond d'Alembert, some members of the king's council, his publisher, and

several other notables, including the sovereigns of Poland and Russia. The passages concerning the serfs are often, unfortunately, repetitive, but a few extracts from the correspondence will serve to illustrate the methods by which Voltaire tries to enlist the sympathy, and the aid, of his correspondents. At the very beginning of the campaign he admits:

"Vraiment oui, mon cher ami, quoique les malades ressentent que leurs maux, j'ai senti vivement le triste état de douze mille honnêtes gens, traités comme des nègres par des chanoines et par des moines."<sup>8</sup>

The imagery varies, as does the number of serfs,<sup>9</sup> but the peasants are, for the most part, "des honnêtes gens" and the monks "usurpateurs". Where the more formal articles are of more use in piecing together Voltaire's arguments against serfdom, the correspondence does reflect the variations in Voltaire's moods.

~~----- Always seemingly sick, sometimes on the brink of -----~~  
 death, Voltaire begins or ends nearly thirty percent of his letters with references to his poor health. He calls himself "le vieux malade", and in March 1771 even went as far as to announce:

"... ayant soixante et dix sept ans passé, étant aveugle, ayant la goutte, je vous pris de m'excuser et de me regarder comme mort."<sup>10</sup>

Despite his health, which must have been fragile, however, he is forever ready to give encouragement to Christin, whom

he describes as the "défenseur des droits de l'humanité"<sup>11</sup>, to condemn the unjust, the monks of Saint-Claude in particular, or to pursue with energy the direction of his watch and silk manufacturies at Ferney.

In his campaign for the enfranchisement of the serfs of Mont-Jura, Voltaire argues on several planes, seeking to appeal to various groups of French society. There are instances in which the picture of a poor peasant forced to work from dawn until dusk would not touch the heart of a serf-owning seigneur, but Voltaire was sure he would be impressed by the argument that the abolition of serfdom would increase farm revenue. In the historical argument, Voltaire points out that feudalism had been abolished in France, and in Franche-Comté by several sovereigns. There was, therefore, if not legal grounds for its abolition, then at least historical precedent. On the legal plane, he argues that the titles held by the monks of Saint-Claude were fraudulent, or contained no reference to mortmain which would justify the existence of that institution. The commercial and utilitarian side of the argument rests on Voltaire's opinion that serfdom was an institution which severely hampered the economic development of those regions afflicted with it. He was certain too, that the ownership of serfs by an ecclesiastical body, the Benedictine Order of Saint-Claude, for example, was wrong on religious grounds and constituted a violation of

the teachings of Christ. The strongest of Voltaire's arguments against serfdom, however, certainly the most convincing, was humanitarian. Voltaire truly believed this remnant of the Middle Ages to be immoral and inhuman. It was on this aspect of the campaign that he concentrated most strongly.

One may tend to assume that Voltaire's deep involvement in the serfs' cause was solely the result of deep humanitarian principles and a sense of justice. However strong these reasons may have been, and indeed they were very strong, another motive lay beneath his unswerving attachment to the cause, a motive often overlooked by Voltaire's supporters and often exaggerated by his opponents. The farms of Saint-Claude and the surrounding area constituted the largest single source of food for Ferney and Versoix, where his silk factory was located.<sup>12</sup> There was no major road between the province of Franche-Comté and the rest of France, therefore no supplies could reach the area from the west. Choiseul had intended to construct such a road, enabling the transportation of goods to the province without the necessity of traversing the canton of Geneva and paying Swiss tariffs. The duke also had grand designs for the building of a French port on Lake Geneva, but before either project could be undertaken, he was dismissed from office. Consequently, the only other potential source of food was Geneva, which lay some

twelve miles to the east. That city, however, was in the midst of a bloody class war, and Voltaire could hope for no provision from Switzerland. Blocked from France by the Jura mountains, from Switzerland by civil war, Voltaire was forced to depend on the farms of Saint-Claude to provide his food. He therefore feared, very naturally, that the continued existence of serfdom there, would cause an exodus of farmers to Switzerland, thus endangering his own supplies. He wrote to the Duke of Choiseul:

"On les bat trop, les chanoines  
les accablent, et vous verrez que  
tout ce pays-là qui doit nourrir  
Versoy s'en ira en Suisse si vous  
ne le protégez." <sup>13</sup>

Voltaire was justified, then, in feeling that the presence of mortmain in Mont-Jura posed a very severe threat to the survival of the industries he had established there.

There is also another reason for his tireless energy during the campaign, an energy which was characteristic of almost everything he had undertaken, as he explains in a letter of July 1771 to the Duke de Richelieu:

"Ces petites affaires-là tiennent la  
viellesse en haleine, et repoussent  
l'ennui qui cherche toujours à s'em-  
parer des derniers jours d'un pauvre  
homme." <sup>14</sup>

It must not be forgotten that in 1771, Voltaire was a man of seventy-eight, and the boredom which often constitutes a great part of old age must continually have threatened him. The campaign provided an outlet for his restless

energy which had not waned with the strength of his body. This energy would have led to discontent and boredom had he not found an object to which he could direct it.

Voltaire's opponents, especially those concerned with ecclesiastical rights, have often accused him of entering into the campaign simply to conceal the fact that he too possessed serfs. The campaign against him became very strong some ninety years after his death, when Voltaire was no longer able to defend himself, with the publication of two works by members of the church. These works were: Voltaire: sa vie et ses oeuvres by the abbé Maynard, published in two volumes in 1867, and, Erreurs et mensonges historiques by Charles Barthélémy, an author described as being a "membre de l'Académie de la religion catholique de Rome". The latter book, which was published in 1875, was "honorée d'un bref de Sa Sainteté le pape Pie IX", and one may suspect that Voltaire would have considered this a rather dubious honour indeed.

Barthélémy's work consists of a number of chapters each describing a certain historical myth or misconception, and one of these chapters is entitled "Voltaire et les serfs du Mont-Jura". The author attempts to discredit Voltaire's campaign for the serfs by using his own words against him. Barthélémy writes:

"... ce dénonciateur (Voltaire) plus ardent que sincère des abus féodaux, était, lui, comte et seigneur féodal de Ferney, avait château avec crénaux

et machicoulis, des serfs et des  
vassaux, avec pilori et potence."<sup>15</sup>

The accusation that Voltaire did not truly want to free the serfs, but only to steal them for himself, is characteristic of this work and of the abbé Maynard. Equally characteristic is their lack of understanding and misinterpretation of Voltaire's writings on the subject of the serfs. Both authors failed to realize the implications of much of Voltaire's work and have taken a number of metaphors in a very literal sense in order to condemn him. One example which illustrates this attitude is Voltaire's discussion of the price paid for a black slave. Barthélémy accuses Voltaire of supporting the slave trade when he says:

"Ailleurs il (Voltaire) s'indigne vertueusement du vil prix de la marchandise nègre, au moment où il l'achetait:

' Il y a trente ans qu'on avait un beau nègre pour cinquante livres; c'est à peu près cinq fois moins qu'un boeuf gras'

Et paraissant oublier le profit de son heureux commerce, il ne songe plus qu'à s'apitoyer sur ces pauvres nègres:

' On les fait travailler comme des bêtes de somme; on les nourrit plus mal... après cela, NOUS osons parler du droit des gens.'<sup>16</sup>

Quelle hypocrisie..."<sup>17</sup>

Barthélémy has missed, or ignored the irony in Voltaire's discussion for the price of a black slave. Far from ever buying one, Voltaire had most assuredly never owned, had probably never even seen a black slave, and he was in no way lamenting the high price paid for one. On the contrary,

he was commenting on the fact that slaves were considered less valuable than livestock and were treated with correspondingly less consideration. The works by Maynard and Barthélemy are often frustrating in their lack of interpretation of Voltaire, and are often unfortunately, laughable. They do, however, warrant closer examination which will come in Chapter III of this work.

The historical argument of Voltaire's campaign against serfdom was based on the premise that since this feudal institution had been abolished almost everywhere in France at various times since the Middle Ages, it followed that the precedent for its abolition in Franche-Comté as well already existed. Voltaire maintains that the people of this province had several times attempted to destroy mortmain, but had been opposed by the avarice and pride of the tribunals which had judged the affair. The tribunals were composed of nobles and churchmen who favoured the pretensions of the seigneurs and consequently, the institution was retained.<sup>18</sup> During the sixteenth century, the Archduke Albert and the Archduchess Isabella had freed all the serfs in their Hapsburg dominions, including the province of Franche-Comté. Nearly all the fief-holding lords of the province had followed their example. The monks however did not, and it is for this reason that feudalism existed in Franche-Comté, only at Saint-Claude and the surrounding region.



Louis VI, who reigned from 1081 to 1137, had abolished serfdom in France, and the reform was confirmed by Louis VIII (1187-1226). Louis X (1289-1316) announced in 1296, "Chacun de mes sujets doit naître franc"<sup>19</sup> and it is true that in the 1770's, nowhere within the boundaries of the France of Louis X did mortmain exist. The territory of the kingdom of France during the twelfth century, however, constituted only one quarter of the area it did during Voltaire's time, and those areas in which serfdom still existed once belonged to England, Spain, the duchy of Burgundy or, in the case of Franche-Comté, to the Holy Roman Empire and were consequently unaffected by the pronouncements of Louis X of France.

Voltaire insists<sup>20</sup> that there had been more than one attempt to abolish serfdom in all of France, but those magistrates who possessed the power to do so were in favour of its retention. The Estates General of 1615 had begged Louis XIII in vain to renew and execute old edicts which would have carried out this reform, and Louis XIV had even ordered the introduction of a plan for the same purpose. In 1682, four years after the Treaty of Nijmegen had ended the War of Devolution and ceded the province of Franche-Comté to France, Lamoignon, president of the parlement of Paris, was ordered by the king to draw up an edict by which the institution could be dismantled in a systematic and orderly fashion. The plan was rejected,

however, by the same king who had ordered its introduction, on the grounds that the decision to accept or to reject mortmain lay within the authority of each community.<sup>21</sup>

Nor was Voltaire short of contemporary examples, for King Charles Emmanuel III of Sardinia had abolished serfdom in Savoy in 1762 and all feudal rights in December of 1771.<sup>22</sup> There was moreover an active movement in Denmark for the abolition of serfdom. This movement constituted part of the intense general struggle between the Danish throne and the nobility, and terminated in 1788 with the abolition of all feudal rights, including serfdom. Voltaire did not live to see this come about, but he knew of the movement and used it as another example of the growing opposition to the existence of serfdom all over Europe.

Since there was so much support for the abolition of serfdom in France, why then, Voltaire asks,<sup>23</sup> did its practice continue? One of the major reasons for the continued existence of serfdom was that the ills of the provinces were not felt in Paris. The King alone possessed the power to abolish the institution, but, as Voltaire put it:

"Tout ce qui est loin de nos yeux  
ne nous touche jamais assez."<sup>24</sup>

The striking disparity between country and city life in France during the eighteenth century was a difficulty which prevented Voltaire from making the people of Paris

aware of the injustices of mortmain. Despite the intensity of Voltaire's writings, and the harshness of the life he describes, the affair was much less serious, less urgent, to those in Paris since they had no first-hand knowledge or experience of the effects of serfdom. Had the king or his ministers passed a week at a farm in Saint-Claude, one may suspect that serfdom would have been quickly abolished. Any attempts to destroy this feudal remnant in the local courts of law would have met with unsurmountable opposition, for the seigneurs possessed the resources to defend their rights in the courts, and the judges, in any case, were often fief-holding lords themselves.

What is more, Voltaire claimed that they were also corrupt. He accused the monks of Saint-Claude of giving gifts to the mistresses of those judges who had the power to interpose on the lords' behalf.<sup>25</sup> He sums up this situation by saying "le fort toujours écrase le faible".<sup>26</sup> All that Voltaire really wanted, was the execution of laws already in existence, which, had they been implemented at the time of the birth of the institution, would have abolished serfdom almost a century before Voltaire's campaign.

On the legal plane, Voltaire never ceased to maintain that the claims of the monks to the lands and people of Saint-Claude were based on false title.<sup>27</sup> He demanded that the Order open its records to public examination,

and Voltairean scrutiny. "Usurpateurs de Saint-Claude," he declared, "montrez-nous donc vos titres, ...ouvrez vos archives!"<sup>28</sup> He pleaded that all legitimate titles, those in his possession, making no reference to mortmain, be believed before false ones, those in the possession of the monks which he was never to see. In a supplication, "Au roi en son conseil", presented to the king in 1771, Voltaire examines the land deeds of Saint-Claude and of the surrounding area which were registered in Besançon, the provincial capital. He claims that virtually all the land surrounding the monastery of Saint-Claude had been sold by the order to one Jean de Châlons in the year 1266. The act of sale contained no references to mortmain and Voltaire concludes that this "usage qui déshonore la France"<sup>29</sup> had not yet come into being.<sup>30</sup> The first duke of Châlons-Arlai, Jean, son of the original purchaser, reduced the peasants to servitude by the imposition and enforcement of very exacting feudal rights. To avoid performing the duties and paying the fees imposed upon them, the people fled the area and Saint-Claude was left virtually deserted. This exodus must have seemed very disconcerting to Voltaire, since he feared its reoccurrence should mortmain continue to exist. The second duke of Châlons-Arlai, Jean, seeing the results of his father's barbarity, recalled the peasants by a charter dated January 13, 1350. He guaranteed therein

the rights of the peasants as free men, abolished all forms of servitude, including mortmain, maintaining only the tax of lods et ventes, a fee paid to the lord when land was sold or exchanged.

By an act of sale of February 27, 1390, the peasants again received land from the order, under the authority of the abbé Guillaume de La Baume. This document was found in March of 1770, in the hut of a peasant who did not know that he possessed anything of such importance. Sometime between the years 1350 and 1390, the dukes of Châlons-Arlai had disappeared, but Voltaire in no way tries to explain what happened to them, he simply makes no more mention of the family. One may suspect that the harshness of the climate in the area may have driven them away, but Voltaire simply ignores their fate.

The act of sale of 1390 was attached to the supplication "Au roi en son conseil" and again there is no mention of mortmain, and it soon became clear to Voltaire that the practice had come into being only through "la cupidité, l'avarice, l'usurpation, la fraude des moines (et) notre ignorance."<sup>31</sup> Once more Voltaire points out that a similar document of March 24, 1518, likewise makes no reference to mortmain.

On the basis of these three documents, Voltaire declared "nulle servitude sans titre"<sup>32</sup> and waved the edict of emancipation of 1350 and the acts of sale of 1390 and

1518 as a challenge to the monks to prove just title. The order countered Voltaire's arguments with an ordinance dated the 12th of August 1679 which stated that, after a long trial, the parlement of Besançon had declared mortmain a legal institution in Franche-Comté. Voltaire, in his often peremptory manner, simply declared this document a fraud and went on with his accusations:

"Nous répétons que la fraude ne peut jamais acquérir des droits. Nous nous jetons aux pieds du roi, ennemi de la fraude et père de ses sujets." <sup>33</sup>

He believed that the monks had no other right to enslave than that of an age-old practice established by their predecessors. As a piece of furniture becomes more valuable with age, he asks "la fraude est-elle sacrée pour être antique?" <sup>34</sup> He declares derisively "nous sommes leurs esclaves autant qu'ils sont les nôtres." <sup>35</sup>

Voltaire insists that mortmain, since it was a coutume, could not legally be enforced. The existence of both types of law disturbed him and he wanted, perhaps as much as the abolition of serfdom, the reform of French law and the establishment of a unified code. He sincerely believed that "presque toutes nos lois sont des restes de tyrannie et de superstition." <sup>36</sup>

Voltaire affirmed that the establishment of a uniform code of law would clear the courts of an insurmountable backlog of cases which was the result of diverse and often conflicting legal systems prevailing in the various provinces of France. It was not unusual

to hear of trials lasting several years, especially those concerning feudal and seigniorial rights. He saw that "l'Angleterre n'en a qu'une seule bonne (loi), et c'est sa grande charte."<sup>37</sup> This was exactly what he wanted for France. He even echoed Locke's notion that all laws should lose their power after a century, when their usefulness and validity would be reviewed. Since social conditions which had originally caused the introduction of a law had often changed, or disappeared, this seemed to Voltaire a reasonable suggestion. Each law, if just and valid, would be reinstated; if unjust and obsolete, it would be eliminated. No discussion is necessary as to what would be the fate of mortmain.

One of Voltaire's most important legal arguments was his insistence that ecclesiastical lands and goods were not private property, but did in fact belong to the public domain. All candidates, upon their entrance into the clergy, took a vow to have no possessions on earth, since all that they owned was in Heaven. Voltaire argued that this vow was confirmation that holdings belonged to the crown. Only during the seventeenth century, the "siècle superstitieux"<sup>38</sup>, as he called it on one occasion, had ecclesiastical goods become true property, more sacred than that of any citizen. If Voltaire's argument were successfully defended, then any decision taken by the King to abolish serfdom on crown

land would necessarily have the same effect on church holdings. Needless to say, the argument was so revolutionary as to be doomed to failure from the start, but it was an integral part of Voltaire's belief that the Church should in all ways be subservient to the state.

A further aspect of the legal argument concerns the status of the serfs. Voltaire believed that they should be treated as subjects of the king and not as subjects of the order;<sup>39</sup> the monks were in fact preventing these men from paying homage to their rightful lord, Louis XV. Voltaire appears to have derived much of his inspiration for this idea from Charles DuMoulin, "the greatest French jurist of the sixteenth century,"<sup>40</sup> who wrote much concerning the existence of feudalism in France. Fortunately, DuMoulin was living at a time when the French crown was still employing very capable lawyers to deal with feudal matters and it was he who first established the notion of the alliance between the crown and the peasant against the claims of the landed seigneurs. The idea of the crown as champion of the peasant was a valid one which lasted until the 1790's when revolutionary propaganda led the peasants to condemn both crown and nobility as being identical in their harsh treatment of the peasantry. It is said of DuMoulin that he was

"opposed on principle to all feudal and seigniorial rights in so far as they placed a barrier between king and subjects"<sup>41</sup>



With the increase of interest in the effects of church power in the state during the last half of the eighteenth century, his writings became high esteemed and widely read. His works were discussed at length in the Encyclopédie and he became the inspiration of many men opposed to feudal rights who were contemporaries and successors of Voltaire. His direct influence on Voltaire is unclear. Voltaire makes no reference to DuMoulin in any of his works on serfdom, but he most assuredly read comments on the jurist in the Encyclopédie. Voltaire's belief that the serf owed his allegiance not to the lord but to the king is a reflection of the notion on which DuMoulin had elaborated two hundred years before him.

The third aspect of Voltaire's argument is utilitarian. During the eighteenth century, there was a growing belief in France, and throughout Europe, that any institution, social, political or religious, in order to justify its existence, needed to perform a function useful to the State; this was the notion of social utility.

One historian wrote in this regard:

"Social Utility is a higher and binding principle, the legitimacy of which almost all the thinkers of the century realize." 42

This concern for the welfare of the state grew out of the belief that what is good for the state is naturally good for the people. It was this notion which was to preserve the crown during the first four years of revolution when

the nobility was destroyed or driven out. The king remained as nominal head of government during that time, for the revolutionaries realized the importance of the monarchy as a strong unifying force. The preservation of the crown would also give a certain legitimacy to the revolution, and only the king's unwise attempts at flight led to his eventual execution.

Mackrell wrote: "Utility was...widely accepted by the publicists as a criterion for social reform".<sup>43</sup> Furthermore, the accuracy of this statement is confirmed in a comment made by P.F. Boncerf in his work Les Inconvénients des droits féodaux, (1776). He describes social utility as "the only accurate measure of things"<sup>44</sup> and indeed, all elements of French society and government came to be judged, solely on the grounds of their usefulness to the State.

One of the most popular targets for such utilitarian writers was the institution of feudalism. Feudalism was not so vehemently condemned by these men, as it was by Voltaire, but it was proved to be useless, even harmful, to society on the grounds of inefficiency. The institution was almost universally described as "inconvenient", inconvenient, a nuisance, and the adjective, first coined by the abbé de Saint-Pierre during the 1730's,<sup>45</sup> became almost a catchword for serfdom. The power of the word lies in its understatement, for although feudalism was

indeed a nuisance, its influence was far more serious. The contempt for the institution which is implied in the understatement is far more effective than it would have been had the word "désavantage", for instance, been used. One surprising discovery is that Voltaire never seems to have used the word to describe feudalism. One may only conjecture the reason for this, but he probably felt so strongly about the institution as it existed near him at Saint-Claude, that the word "inconvenient" did not suffice to convey his indignation adequately.

Voltaire's most vociferous writings on the subject were not based on utilitarian, but on humanitarian grounds. Boncerf, Saint-Pierre and the Abbé Clerget viewed the institution not as a crime against humanity, but as an impediment to the public good and to the welfare of the state. Voltaire's feelings about feudalism were more personal, since he was more directly involved with it. He saw its harmful effects from first-hand experience, and knew personally many of those peasants involved. He argues against serfdom on utilitarian grounds solely with the realization that those seigneurs not touched by his humanitarian arguments may be convinced to abolish it only in the hope of financial gain. Voltaire may have wished that those seigneurs be converted solely on the strength of his humanitarian arguments, for in this principle did he place the strongest faith, but he was sufficiently

realistic to understand the necessity of arguing on a more practical plane.

Voltaire's opinion of "the enjoyment of feudal privileges by the nobility long after it had ceased to perform the duties which had once justified them"<sup>46</sup> is made clear early in his literary career. In his Lettres philosophiques of 1734, he does not totally reject the possession of special rights, but he hates the abuse of it. He admits the historical necessity of the nobility for the maintenance of national order, but he condemns the existence of seigniorial justice, noble and church exemption from la taille. Voltaire writes, concerning the English system of taxation:

"un homme, parce qu'il est noble ou parce qu'il est prêtre, n'est point ici exempt de payer certaines taxes..  
..chacun donne non selon sa qualité (ce qui est absurde), mais selon son revenu."<sup>47</sup>

With regard to certain French seigniorial rights against which he was to campaign forty years later, Voltaire remarks, in speaking of the English nobility:

"Vous n'entendez point ici parler de haute, moyenne et basse justice, ni du droit de chasser sur les terres d'un citoyen, lequel n'a pas la liberté de tirer un coup de fusil."<sup>48</sup>

His early support for the social utility of the nobility is evident when one examines his comparison between a French nobleman and an English merchant. He writes:

"Je ne sais pourtant lequel est le plus utile à un Etat, ou un seigneur bien poudré...ou un négociant qui enrichit son pays,... et contribue au bonheur du monde."<sup>49</sup>

It is obvious from the Lettres philosophiques that Voltaire was aware of, and opposed to the abuse of seigniorial rights, but he was still optimistic that the nobility could be transformed into a body useful to the state, an optimism which was to be mellowed over forty years. At that time, he believed that members of the nobility, by developing their literary talents, could and should serve as an enlightened and intellectually active model for the nation. These philosopher-aristocrats would then help to replace the church as the moulder of national taste, thought and conscience.

During the 1770's, Voltaire no longer held such optimistic views. Instead, he saw the nobility and its exercise of seigniorial right as an impediment to the welfare of the people and of the nation. His utilitarian arguments against serfdom gave hope that the obvious self-interest of the nobility would work to destroy the institution where conscience would not. He was sure that serfdom was a cause of inertia in the land and of lack of industry.<sup>50</sup> This notion is an echo of the creed of the physiocrats that the right to own property is necessary for the existence of every state.<sup>51</sup> Those who own property, they believed, have a reverence for it,

whereas simple tenants do not. The existence of seigniorial privileges violated this right and individual incentive disappeared. Voltaire believed that serfdom extinguished competition and activity and he asks, what would become of art and industry if a lord or monk obtained the fruit from it.<sup>52</sup> He argued that slavery is beneficial to animals since they were fed by their owners, but the monks of Saint-Claude did not feed their serfs, indeed the food was often taken by them. The Edict of 1779, abolishing serfdom on crown land and inspired by Voltaire, confirmed that serfdom destroyed incentive by stating that feudalism

"deprives society of that working energy, which the feeling of the freest proprietorship is alone capable of inspiring."<sup>53</sup>

Feudalism was unproductive in so far as it interfered with the practice of efficient farming. The peasant had no desire to improve his holdings or his crops since his taxes would rise, and savings which should have gone to improve the productivity of the farms, instead were purloined by avaricious lords and monks. Consequently, in an area already afflicted with poor soil and an unfriendly climate, subsistence farming resulted and famine was not uncommon.

Voltaire argues that the abolition of serfdom would be beneficial to both serfs and seigneur, and he gives several examples where emancipation had brought about an

increase in productivity and in profit.<sup>54</sup> The Duke de Choiseul, M. de Villefrancon and M. de Voré, a lawyer, had all voluntarily freed their serfs without recompense. Voltaire insists that due to the improvement in the mental and emotional well-being of the peasants, the lack of restrictive taxes, and the absence of unjust seigniorial rights, the fields were better cultivated, productivity had increased, revenues from the sale of surplus crops had multiplied and the abundant circulation of money and people had enabled many farms to pass into hands more capable of cultivating them. Voltaire believed, however, that the most important consequence of abolition was the fact that the serfs no longer felt that they were labouring for a master and that, consequently, they became happier.<sup>55</sup>

Voltaire also applied the principles of social utility to the monks themselves. His opinion of their usefulness to the state is summed up in a letter of February 4, 1771, in which he states that

"quinze milles cultivateurs pourraient être aussi utiles à l'Etat, du moins dans cette vie, que vingt chanoines qui ne doivent être occupés que de l'autre."<sup>56</sup>

Voltaire has the ability to interpret popular ideas and to use them to his own ends. The statement is clearly Voltaire, for it is seemingly straight-forward, and yet replete with implication. He reflects the popular notion of social utility, but manages to condemn the clergy and the church notion of the afterlife.

This statement also leads to Voltaire's religious argument against the possession of serfs by an ecclesiastical institution. He states clearly at the outset that his religious arguments against serfdom in no way constituted an attack on the Benedictine Order of Saint-Claude itself. He calls St. Claude "un grand saint"<sup>57</sup>, but insists that the situation caused by the order is unjust and not worthy of the saint. Voltaire admits that he is anti-religious, but maintains that his attack is not a religious but a feudal matter. He writes:

"j'avoue que mon nom est fatal en  
matière ecclésiastique, mais je n'ai  
jamais prétendu que mon nom parut - Dieu  
m'en préserve, et d'ailleurs ceci est  
matière féodale."<sup>58</sup>

He calls "funeste"<sup>59</sup> a law which allows Benedictines and Bernardines to possess serfs and insists that all monks are mainmortables since they vow to have no terrestrial possessions. This notion equates the inability of a serf to own property of any kind, all goods belonging in reality to the lord, and the belief that a man of the cloth is not entitled to worldly possessions. All that a monk possesses belongs to his lord, God, and will be granted him in Heaven. The monks vow to God to be poor and humble<sup>60</sup> and are violating the teachings of Christ. Jesus, Voltaire believes, did not order his people to reduce his brothers to slavery.<sup>61</sup> Mortmain was not only contrary to the laws of Nature, the rights of kings to the



homage of their subjects, commercial profit and the good of the State, but it was also a violation of the teachings of Christ.

The ownership of serfs, since it violates the vow of poverty, is also a profession of bad faith. This conclusion is important, for the highest maxim of canon law prohibited anyone of bad faith from belonging to the church:

"malae fidei possessor nullo tempore praescribere potest."<sup>62</sup>

The implication of Voltaire's argument is that the Order, in possessing serfs, is acting contrary to its own maxims, and that it should, in order to return to purity of faith, free the serfs. Voltaire does not stress this argument so as to bring out its full possibilities, for perhaps he realized the seriousness of its implications and the repercussions it could have. He could never have hoped, however, that the Order would be tried for violating this maxim before an ecclesiastical tribunal. The church was notorious for protecting itself and possessed ample power to do so. Voltaire considered little more than diabolical the divine title by which the order claimed its rights. He argues:

"ses titres n'étant pas de droit<sup>63</sup> humain, il prétend qu'ils sont de droit divin; mais nous sommes assurés qu'ils sont de droit diabolique, et nous espérons que le diable, en habit de moine, ne gagnera pas toujours sa cause."<sup>64</sup>

Voltaire was not alone in his attack on the clergy, for many authors used the possession of serfs simply as an excuse to launch tirades against the church. In these circumstances Voltaire could count on support from many anti-clerics, many of whom ignored his other arguments. The abbé Maynard, writing eighty years after Voltaire's death, did accuse the author of using the campaign in this way; indeed, it was once said that Voltaire wrote as much against the monks of Saint-Claude as he did for the serfs.<sup>65</sup> Maynard insists<sup>66</sup> that

"la religion ne rend pas des hommes  
en esclaves-elle les rend en servateurs  
avant de les libérer."<sup>67</sup>

Maynard argues that mortmain gave the serf family a closely-knit communal sense, a sort of "république agricole". He accuses Voltaire of having ignored the question of propriety and justice, and of wanting to free the serfs only so as to be able to enslave them himself. Voltaire might have answered Maynard in this way, for he seems to have anticipated his objection:

"Ceux qui jouissent de ce beau droit  
assurent qu'il est droit divin. Je le  
crois comme eux, car assurément il n'est  
pas humain. Je vous avoue, monsieur,  
que j'y renonce de tout mon coeur. Je  
ne veux ni mainmorte, ni échute dans le  
petit coin de terre que j'habite, et je  
ne veux ni être serf ni avoir des serfs."<sup>68</sup>

This statement alone should refute all accusations that Voltaire himself possessed serfs.

However forceful Voltaire's legal, historical, utilitarian or religious arguments against serfdom may be, the foundation for his campaign was one of humanitarian principles. Voltaire felt humanitarian feelings to be the basic quality of an enlightened man.

"Sans l'humanité," he wrote, "la vertu comprenant toutes les vertus, un homme ne mériterait guère le titre philosophe."<sup>69</sup>

Mackrell admits that "the strength of Voltaire's campaign against serfdom is its single-minded appeal to humanitarian feeling."<sup>70</sup> All that Voltaire wanted for the serfs may be summarized in a single sentence from his correspondence very early in the campaign. He wished

"que tous les sujets du roi...(aient)  
la jouissance des droits que la Nature  
leur donne."<sup>71</sup>

Voltaire insisted that no government could grant such rights, since they are bequeathed by Nature, and that no man is entitled, therefore, to take them away.

During the second half of the eighteenth century, academic interest in humanitarian feeling accelerated and during the late 1770's, began to encompass such social problems as mendicancy, the penal system, education and the conditions of the peasants,<sup>72</sup> where once it had been concerned mainly with rhetoric, belles-lettres, anti-quarianism and science. These latter subjects were far removed from the political sphere, hence safe from the danger of expurgation from the censor. In the academies it was

felt that involvement in politically controversial topics would jeopardize their very existence, since most of them were allowed to continue only by reason of revocable royal charters.

The humanitarian criticism of feudal and seigniorial rights, however, became popular during the late 1760's, preceding general humanitarian social criticism by over a decade. The cause of the early interest in feudalism, in a humanitarian vein, must rest almost entirely on the shoulders of François-Marie Arouet de Voltaire,<sup>73</sup> for it was he who, in 1769, initiated the attack on serfdom in Saint-Claude basically on humanitarian grounds. Voltaire had no cause to fear reprisals for his comments, for he depended not on the academies for the publication of his works, but on his wealth and his wide reputation as a philosophe. The academies would shrink from indulging in such topics as those in which Voltaire revelled.

The review of Voltaire's two major works on the cause of the serfs, the Dissertation and the Collection des mémoires,<sup>74</sup> in the Journal des sçavans in February 1773, brought the campaign of the serfs to the attention of the literate public. From that time until his death in 1778, Voltaire was considered to be the leader of the campaign to abolish all remnants of feudalism. Even after his death, Voltaire's memory, almost sanctified by Florian in his poem "Voltaire et le serf du Mont-Jura" of 1781,

continued to inspire the abolitionists. Boncerf, the major utilitarian opponent of serfdom, admitted that Voltaire had been a major influence on him and on his circle,<sup>75</sup> and there is no doubt as to the influence of the author on the Edict of Emancipation of 1779.

Condorcet called serfdom a "lâche violation des droits de l'humanité"<sup>76</sup> and insisted that the people of Saint-Claude suffered without daring to complain. Voltaire explained that they lived in huts which were covered with thirty feet of snow for seven months of the year,<sup>77</sup> a slight exaggeration, and that serfdom was an "usage qui déshonore la France"<sup>78</sup>. He is often guilty of such exaggeration. He has a tendency to invent incidents to illustrate the inhumanity of serfdom, as has already been seen. Voltaire can be forgiven this, however, when one realizes that the invention of incidents to support an argument was common practice amongst eighteenth-century writers. Voltaire had to contend with those who denied the existence of serfdom in France, so the exaggeration of the conditions in which the serfs lived was necessary, in part, to convince his readers that the institution was still very much alive, even though they may not entirely believe the stories themselves.

Voltaire aggrandized the danger of becoming a serf unawares, and again, his French business man is an example of this invention. If the merchant had indeed

existed, he would have become as famous as Calas, and Voltaire would most assuredly have cited his name as proof. The importance of Voltaire's humanitarian argument lies in his insistence that serfs were not chattels, although they were treated as such, but were human beings, like all other Frenchmen. He places the serf on an equal footing with the free Frenchman in so far as they were victims of a feudal institution to which all men were vulnerable should they dare to venture into Saint-Claude. The serfs were not essentially inferior to free men, they simply had the misfortune to live in one of those areas in France where feudalism was still in effect.

Admittedly, the life of a serf was very difficult, and Voltaire goes far to illustrate this to his reading public, yet he almost totally ignores the life of the free peasant who, in many cases, lived an equally, if not more, strenuous existence. The romantic view of a peasant tied to the land by the remnants of feudal law inspired Voltaire because of the injustice of forced labour but the day-to-day existence of the free farmer lacked this romanticism. The serfs constituted but a small percentage of the farmers in France and Voltaire was more capable of defending one group against one set of laws, than a whole social group against a general system. This is reflected in Voltaire's skill in undertaking the cause of one man, such as Calas or LaBarre, against one accusation, whereas

he could in no way transform the entire criminal code. Voltaire undoubtedly realized his limitations, or rather the limitations placed upon him by his society and government, and he would be assured of greater success in one clear-cut cause than in a more wide-spread campaign.

Despite his limitations, and despite the overall failure of his campaign to free the serfs of Mont-Jura, Voltaire's humanitarian arguments do have some far-reaching effects. His initiation of the humanitarian attack on feudalism, and its continuation by other writers, Clerget, Boncerf and the Marquis de Villette for example, does reflect the century's growing social conscience. Mackrell confirms this:

"the rapid growth of humanitarian writings from the late 1760's was itself symptomatic of the deep disturbance and swift realignment of ideas that transformed French thought in the eighteenth century." 79

~~The fact that Voltaire forced the early birth of this~~  
movement with his campaign for the serfs overshadows its failure, for although the campaign did not lead directly to the complete abolition of serfdom, his efforts did indeed serve to accelerate the growth of humanitarian feeling, which was, in itself, a major cause of the Revolution.

Thus, of the four levels of Voltaire's arguments against serfdom, legal, historical, utilitarian and

humanitarian, the last was the most important for Voltaire and the most influential. The legal arguments constitute an attempt to disprove the validity of titles in possession of the monks, which confirmed them in the ownership of the territory of Saint-Claude, and in the right to exercise mortmain over the serfs. Voltaire believed that if he could not prove the fraudulence of the titles themselves, then he could at least show that they did not grant the right to enforce mortmain. This he does.

The utilitarian level of the discussion is Voltaire's dabbling in a new notion, very popular at the time, in judging the usefulness to the State of both monks and serfs. This was the principle of Social Utility. He maintained that twelve thousand farmers, who fed themselves, their families and, in part, the nation, even Voltaire's own colony, were more useful to the State than twenty Benedictine monks, whose sole concern was for the welfare of a man's soul after his death.

These arguments are quite convincing to the modern reader, but, Voltaire was confronted with a solid force of noble and clerical opposition. Feudal rights, however illegal or useless Voltaire claimed them to be, were rooted in centuries of hereditary practice. They were still enjoyed by a significant percentage of the landed nobility and clergy, groups which held great influence in the capital, and however vociferous Voltaire



may be, these rights were not to be abolished by the voice of one man without political sway. The facts of Voltaire's campaign to abolish serfdom constitute a study in persistence. They are a reflection of Voltaire's character during the last eight years of his life and a testimony to his humanity, sensibility and deep, if sometimes disillusioned, faith in human nature.

### III. THE CAMPAIGN

The most powerful weapon Voltaire possessed in his struggle to abolish serfdom at Saint-Claude was undoubtedly his pen which could often be more wounding than any sword. The two decades after 1760 heard the voice of Voltaire vociferate against injustice and intolerance to such a degree as never before in his life. Nowhere is his pen more cutting, more eloquent, than in the ten pamphlets he wrote between 1770 and 1778 to combat the inequity of the situation which existed at Saint-Claude. These pamphlets, intended for the most part for the king and his ministers, describe in detail the rise of serfdom in the Jura mountains, the conditions of life under the pressures of the institution, and Voltaire's proposals for its abolition. They vary little in tone, often betraying outrage and pity, often hope and frustration. The emotion which pervades these pamphlets is outrage; outrage that twenty Benedictine monks should be allowed to enchain twelve thousand serfs and deprive them of the right to freedom with which Nature had endowed them. Until his death in 1778, Voltaire never ceased to decry the injustice of serfdom at Saint-Claude, and very soon after he had begun his campaign, he was to realize that serfdom was still flourishing in

many other parts of France as well. One of the effects of Voltaire's struggle for the Jura serfs, was the education of Frenchmen as to the extent which the institution was still in practice. His examination of serfdom as it existed nearby in Saint-Claude, led him to examine and to condemn other feudal institutions, still in existence, such as seigniorial injustice. The campaign led Voltaire to believe in the necessity for reform throughout French society, and consequently, his comments on the practice of feudalism cannot, and should not, be ignored.

Voltaire's most powerful supporter at court during the early months of the campaign was the Duke de Choiseul, advisor to the king and a personal friend of Voltaire for many years. With his aid, Voltaire managed to have the memoire "Au roi en son conseil" (1770) presented before the conseil des dépêches late in the summer of 1771. The only decision he received from this tribunal, however, was the pronouncement of January 18, 1772, that the judgment of the affair was within the competence of the parlement of Besançon. The arrêt reads in part:

"...S.M. (Sa Majesté) étant en son conseil à renvoyé et renvoye au parlement de Besançon la connaissance de la contestation entre les parties, lui attribuant à cet effet toute cour, juridiction et connaissance, pour la juger en première et dernière instance."<sup>1</sup>

The last phrase, "pour la juger en première et dernière instance", shattered all hope that the king would intervene

on behalf of the serfs of Saint-Claude, for it gave absolute and final authority to the parlement of Besançon. Voltaire had feared this decision long before it had actually been made, for he realized that no favourable judgment of the case could be made by the parlement of Besançon. Earlier he had written to Christin:

"vous verrez combien on craint que vous ne soyez renvoyé au parlement de Besançon. Je frappe à toutes les portes pour parer ce coup qui serait funeste aux habitans."<sup>2</sup>

The parlement of Besançon was comprised in a large part of fief-holding seigneurs and for that reason could be counted on most assuredly to block any attempts to emancipate the serfs. They took no heed of Voltaire's assertion that the freeing of the serfs would lead eventually to an increase in revenue and saw only the initial loss of human and material possessions. The fall from power of the Duke de Choiseul in December of 1770, dealt another hard blow to Voltaire, for it meant that he no longer possessed direct, influential and friendly access to the king and his councils.

During 1770 and 1771, Voltaire wrote four pamphlets to argue the case of the serfs. However, without the Duke de Choiseul to present them to the king in their most favourable light, they had very little effect at court. The decision of the conseil des dépêches to pass responsibility for the case to the parlement of Besançon

removed any practical need for Voltaire to send his pamphlets to Paris. For all that, he did insist that his writings on the subject be read before the king. Voltaire knew that he had to maintain interest in the case at court and in the capital since he believed that no favourable judgment could be obtained in Franche-Comté. Consequently the four pamphlets, "Au roi en son conseil", "La Nouvelle requête au roi en son conseil" "La Coutume de Franche-Comté" and "La Supplique des serfs de Mont-Jura" were sent to the king's council. Voltaire hoped that they would be widely read in the city and he realized the necessity to inform the public of the abuses in practice in the far away province. Had he not kept up this continual flow of information, the case would have been quickly forgotten, and this, Voltaire knew had to be avoided at all cost.

These different writings are all very similar. Voltaire describes the history of the Benedictine order, the titles to the lands of Saint-Claude, and above all, the conditions in which the serfs lived. He announces that the serfs are ready to construct the king's road connecting Mont-Jura with the rest of France, which was, we have seen a project of Choiseul.<sup>3</sup> As this aid could be given only with the permission of the monks, this declaration seems to be an attempt on Voltaire's part to place the monks in a position in which they could not possibly refuse.

In "La Coutume de Franche-Comté", he declares that

"être français, c'est être libre".<sup>4</sup> He then proceeds in the pamphlet to show that one half of all Franc-comtois were not free, thus illustrating the inconsistency of his initial statement. This technique is one which he uses to the fullest extent in his later pamphlets as will be shown. He first announces a truism, tricking the reader into agreeing with him. What good Frenchman would disagree with the declaration that "être français, c'est être libre"? The reader fully behind him now, Voltaire goes on to describe how twenty monks have enslaved twelve thousand Frenchmen. The reader must see the injustice in this situation for he has already committed himself unwittingly by agreeing with Voltaire's initial statement.

These polemic writings are important for the student of Voltaire's campaign in that they present all of his major arguments against feudalism in France in general and against serfdom at Saint-Claude in particular. As these arguments have already been discussed in the previous chapter, they will not be repeated here. There is little of interest in the form of these pamphlets for they were written in a rather formal manner in order to be presented before the king and his council and reflect little of Voltaire's individual style.

Late in the year 1772, a deputation of Jura serfs arrived in Paris, a protest drawn up by Voltaire and Christin in their hands. Therein they accused the monks of having

forged documents from the time of Charlemagne, Lothair, Louis the Blind and Frederick Barbarossa in order to confirm themselves in possession of the lands of Saint-Claude. The king and his ministers must have been very amused upon reading the protest, for it was endorsed by the peasants themselves, who could neither read nor write, and witnessed by Voltaire and Christin. The supplication, naturally, had no influence, since the council had already rid itself of the responsibility for the case and it may have resulted in a slight loss of credibility on Voltaire's part.

For over three and one half years following the decision of the conseil des dépêches, the parlement of Besançon examined, argued and put aside the case of the serfs. Throughout this time, Voltaire's hopes for a favourable decision rarely waned and he worked ceaselessly for the decision. In 1772 he published the Dissertation which had been written in collaboration with Christin, the young lawyer of Saint-Claude. The Dissertation, however, throws no new light on the subject of the serfs, for it is little more than a repetition in book form of the several statements presented to the king between 1770 and 1772. The emphasis of the work is historical and legal. By examining a score of ancient charters and land titles pertaining to Franche-Comté, Christin and Voltaire prove that the right to enforce mortmain was never granted to the monks of Saint-Claude, indeed that the land occupied by them was not acquired in a legal manner. These

mediaeval charters will not be examined here, for they tend to be over detailed and pedantic. Such heavy reliance on ancient charters weakens the effect of the Dissertation. The documents in question are affixed to the work and, unfortunately for this modern student, unschooled in the ancient language, are reproduced in the original Latin. Voltaire's pièces justificatives make up over one half of the book, and consequently, except for certain interesting passages which will be cited, the work may be left to one side.

Often accompanying the Dissertation is the Collection des mémoires, a verbatim reproduction of the articles of which the Dissertation is an expansion. These mémoires have already been examined, the 1880 edition of Voltaire's complete works by Moland being the source, and a re-examination here would prove needless. Attached to the Collection des mémoires is "La Décision rendue par ce tribunal", the edict of the Council of State which referred the case to the parlement of Besançon.

Another supplement to the Collection des mémoires is a royal edict of 1682 authored by Lamoignon, chancellor of Louis XIV. One suspects that the edict, written at the invitation of Colbert,<sup>5</sup> was included by Voltaire and Christin as a sort of reminder to the king and the conseil des dépêches. It is a very simple document when compared with the lengthy decision of January 18, 1772,



and outlines in five articles the steps necessary to eliminate all vestiges of serfdom. The most important article for Voltaire was the first, which reads in part:

"Nous voulons à l'exemple du roi St. Louis notre aïeul et de plusieurs autres rois nos prédécesseurs, en accordant à tout notre royaume, ce qu'ils ont donné seulement pour quelques endroits particuliers, que tous nos sujets soient libres et de franche condition, sans taxe de servitude, que nous abolissons dans toutes les terres et pays de notre obéissance."<sup>6</sup>

This is exactly what Voltaire wanted. He then asks in characteristic simplicity:

"Pourquoi une loi si utile n'a-t-elle pas encore été admise?"<sup>7</sup>

If the Dissertation and the Collection des mémoires are simply reiterations of Voltaire's original arguments, why then, one may ask, were they transformed into book form? Voltaire realized the need to publish these works which, when presented to the king, would be read by only a few people. Publication in book form would widen his audience to include virtually all the reading public in France. Consequently, Voltaire sent the manuscript of the Dissertation to Cramer, his publisher in Geneva. He could not foresee, however, that the work would be refused entry into Paris by the public censor. This is exactly what happened in June of 1772. Fault was found with his undisguised criticism of the clergy. Voltaire's

incredulity at the reported opposition of the censor is illustrated in a letter to Osterwald of November of that year. He writes:

"Je ne crois pas que la dissertation de M. Christin soit défendue à Paris, puisqu'elle est très bien accueillie dans la Franche-Comté. Mais à Paris on ne soucie point de dissertations sur les droits des hommes, on ne veut que des romans nouveaux et des opéras comiques."<sup>8</sup>

At the very beginning of the work, Voltaire and Christin had attempted to argue that they were in no way attacking the church.

"Nous déclarons," they began, "aux ennemis de la vérité, que nous respectons, comme nous le devons, S. Romain, S. Lupicin, S. Oyan et S. Claude. Nous n'attaquons ni leur sainteté, ni leurs vrais miracles; nous ne combattons que des fables ridicules publiées sous leurs noms, pour tromper des pauvres citoyens."<sup>9</sup>

An interesting phrase in this passage is "comme nous le devons", which may be interpreted in two ways. Does "devons" here signify "should" in English, which implies a moral obligation to respect sainthood? Or does it mean "must", for it was indeed necessary to respect church institutions to pass the censor. One may suspect that Voltaire intended the latter interpretation, although leaving himself the possibility to argue the former before the public censor. It seems that Voltaire was not convincing enough. Despite the public ban on the book, it

was circulated throughout the rest of France and copies were undoubtedly smuggled into the capital.

In spite of Voltaire's very adamant stand against the monks, there are times when he seems willing to come to terms with them. In a letter to Christin dated November 15, 1772, he admits that a good compromise with which both sides could be reasonably satisfied would be far more desirable than a long and drawn out trial. He writes:

"Un bon accomodement vaudrait mieux qu'  
un procès, dont l'issue est toujours  
incertaine. Si les chanoines veulent  
se mettre à la raison leur transaction  
pourra servir de modèle aux autres..."<sup>10</sup>

His willingness to agree, however, may have been due to an exceptional mood of compromise, for the two sides were irreconcilably opposed, so that one must conclude that a trial would really be the only way of deciding the issue.

In the summer of 1775, the final hearing of the case of the serfs began in the Hôtel de ville in Besançon. Christin took upon himself the defence of the serfs and Voltaire published his story "La Voix du curé" so as to rouse public opinion. It is an account of a fictitious country priest at Saint-Claude whom several serfs approach for help. The clergyman is at first unable to believe their account of the harshness of their life under the rule of Benedictine monks, but slowly he is convinced and rises in anger against the monks.

The piece is quite violent in tone and Condorcet hints that it was burned by the public executioner.<sup>11</sup> "La Voix du curé" differs from Voltaire's previous writings on the subject of the serfs of Saint-Claude, in that it is not a factual account intended to educate the reader, but fiction with the aim of swaying his emotions. The story was the first in a series of similar tales in which there is little theme or story line. It constitutes more of an appeal to the reader's sense of humanity, in which the author uses highly detailed description, social observation and a heart-rending plea. Mackrell calls this new form of French literature the "tearful anecdote"<sup>12</sup> and describes it in these terms:

"Such stories do not develop a theme, so much as contribute to a change of heart. In this light they may perhaps be considered a lowly part of the Romantic Movement."<sup>13</sup>

The importance of the tearful anecdote was in its attempt to kindle the reader's conscience. Mackrell goes on to say that

"the rather quaint blend of passionate entreaty and a sort of littérateur's social observation seem to point to the awakening of a social conscience. In their exaggerated language these writings are part cause and part effect of an emotional atmosphere in which no charge was too absurd to be levied against the hated 'feudal régime' and the serfdom, which they usually associated with it."<sup>14</sup>

The form worked well to further charge the very emotional atmosphere which was characteristic of the decade and a

half prior to the revolution. Since the creation of the genre was due in full to Voltaire, perhaps a closer examination of the first tearful anecdote, "La Voix du curé", would not be out of place at this time.

"La Voix du curé" is a short piece of eight pages and seems to be less a story than a report of an incident. Interestingly, when one considers Voltaire's other works, it is written in the first person singular, the narrator being a country priest newly arrived in Saint-Claude. Several of the priest's parishioners come to his door with an incredible tale of maltreatment at the hands of the Benedictine monks of Saint-Claude, from whom, coincidentally, the country priest receives an annual payment of four hundred francs as "portion congrue".<sup>15</sup> The term "portion congrue" indicates a salary which falls at or just below the level needed to survive, the subsistence level. This important statement immediately places the priest and the serfs on the same level, thus making the monks their common enemy. The innocence and generosity of the priest, soon to be compared with the shrewdness and avarice of the monks, are illustrated by his ignorance of the meaning of this term and his willingness to share his meagre stipend "volontiers avec mes amis" (p. 567). Little does he know that he too has become a victim of the monks.

The mood of the work is reflected from the very beginning when the serfs arrive "en versant des larmes" (p.567).

Tears are shed throughout, and Mackrell's appellation for the genre fits suitably. Jeanne-Marie Mermet whose case has already been discussed in Chapter I, falls at the feet of the priest "en pleurant" (p.569), and a sympathetic clerical, a canon, for whom the priest describes the cause of the serfs, admits, "les larmes aux yeux" (p.573), that he had a secret desire to help them. Perhaps the most "tearful" passage of the work, however, tells of the emotions brought forth by the just decision rendered by the parlement in favour of Jeanne-Marie.

The country priest writes:

"Ma surprise redoubla. J'appris par mon sentiment qu'on pouvait être en même temps pénétré de douleur et de joie. J'avoue que je répandis bien des larmes; je bénis le parlement, je bénis Dieu; j'embrassai en pleurant mes chers paroissiens, qui pleuraient avec moi." (p.570)

To the cynical reader of today, this scene may be somewhat excessive, but the sensitive reader of the eighteenth century would more readily have accepted Voltaire's invitation to be "pénétré de douleur et de joie". Indeed the main aim of the tearful anecdote was to instill in the reader the desire to shed tears for the characters, in the case of "La Voix du curé", the country priest and the serfs. In doing so, the reader's barriers of credulity would be broken down, for he would be in sympathy with the author, and thus more susceptible to the argument.

In the beginning of the work, the country priest is totally unaware of the conditions of life at Saint-Claude. He asks:

"Quel esclavage? Est-ce qu'il y a des esclaves en France?" (p.567)

This state of ignorance may be extended to include those Frenchmen who were unaware that serfdom still existed in France. When the curé is informed of the abuses of mortmain, his first reaction is one of incredulity. He declares:

"Tout cela n'est pas possible, mes chers paroissiens! Ne vous jouez pas de ma simplicité; nous sommes dans le pays de la franchise;...Allez, je ne puis vous croire." (p.569)

Slowly, however, his emotions are transformed "de la surprise à l'indignation", and he sets out to investigate the situation. The emotional reactions of the country priest are those which, Voltaire believes, all of his readers should feel.

Irony is a device used very extensively in this work. The most obvious example is the country priest himself. Ostensibly a representative of the monks, he should share their avarice, but his naive kindness, a great contrast to the abuses of the monks, is raised to indignation when he learns of their cruelty. Voltaire chose his protagonist to be a member of the church to emphasize the discrepancy between what monks should be, "pères de la Merci" (p.569), and what they actually are:

"opresseurs" (p. 573). There is irony in fact that the missionaries travel thousands of miles to deliver men from serfdom in Morocco, Tunisia and Algeria, yet enslave them in France (p.573).

The ability of the country priest to condemn the order of monks from within strengthens the attack on the order, and here lies the force of the piece. The reader would tend to share the opinions of the very virtuous country priest, who in fact expresses Voltaire's own views. Thus, by associating his views with the virtues of the priest, Voltaire is forcing the reader to agree with him. The support of the sympathetic canon, belonging directly to the order, further increases this internal condemnation. The reader is forced to believe him when he says that

"Je sais bien...que s'il y a de la justice sur la terre, nous perdrons infailliblement notre procès." (p.573)

The country priest convinces the canon to attempt to persuade his fellow members. "Enrichissez-les par leur grandeur d'âme." (p.574) he says. The canon soon returns to the country priest to explain the result of his conversations with members of the laity and with monks:

"ceux qui n'avaient point été moines l'écoutèrent avec attendrissement; ceux qui l'avaient été le refusèrent avec aigreur." (p.574)

Without overtly doing so, Voltaire condemns the monks as avaricious, unjust and irreligious, by having them refuse the arguments, and therefore the virtues, of the sympathetic canon and the country priest.



The notion that the Benedictine order is a violator of the rights of humanity as well as of the doctrines of Christianity is a very striking one in "La Voix du curé". For Voltaire humanitarian feeling was a necessary characteristic of anyone who considered himself a free Christian. He clearly separates early Christianity from the institution of the Roman Catholic Church and implies that the curé is representative of the former, the monks of the latter. Voltaire associates the country priest with Christ, when, during the night, He appears to the priest in a dream. Christ, whose "extérieur annonçait l'humilité et la pauvreté" (p. 572), nourishes five thousand men on bread and fish, while several monks, "possédant cent mille livres de rente", enslave "douze mille hommes au lieu de les nourrir." The contrast between the two images is obvious, yet quite striking.

When He sees the rich monks, Christ declares that

"Je ne croyais pas être venu sur cette terre, y avoir enduré la pauvreté, les travaux et la faim, pratiqué constamment l'humilité et le désintéressement uniquement pour enrichir des moines aux dépens des hommes."

The monks then reply that "les choses sont bien changées depuis vous et vos premiers disciples", and are thus condemned by their own words. The implication of this response is the monks' rejection of the teachings of Christ:

humility, poverty and work. By extrapolation, this rejection can be said to include the Roman Catholic Church, of which the monks are representatives. Consequently, the Church is alienated from Christianity; it has become a new religion unto itself, and for itself. The ultimate proof of the violation of Christ's teachings by the monks is given at the end of the dream when "le tonnerre gronda", "the presence of an angry God", and the country priest wakes up. (p.572)

There is also another slight hint that the country priest is associated with God and Christianity. The curé, in speaking to the reader, describes his serf-parishioners as the "malheureux peuple dont la Providence m'a fait le pasteur". Providence, as opposed to Destiny, is the will of God over the passage of time and of human events. Consequently, the country priest has been sent by the will of God to represent Him amongst the serfs of Saint-Claude. As the interests of the serfs and of the country priest are opposed to those of the monks, the monks are portrayed as the opponents of the will of God.

The notion that humanity is an integral element of Christianity, as opposed to Catholicism, is further emphasized by the repeated juxtaposition of the two. When speaking of the possession of serfs by monks, the country priest declares:

"Non, ce serait un trop grand outrage  
à la religion, aux lois de la nature". (p.569)

Voltaire considered man to be part of Nature's grand plan, not above it. Personal freedom was a characteristic inherent of, and necessary to all men. Thus when the monks violate the serfs' natural right to personal freedom, they are transgressing the universal laws of Nature.

Religion is a quality which placed men on a more elevated plane than the animals, but it was no less a natural characteristic. Thus, the development of early Christianity into eighteenth-century Roman Catholicism, with the abuses Voltaire believed were characteristic of it, constituted a violation of Nature's intent. Since Voltaire believed God to be the Creator, the maltreatment of the serfs of Saint-Claude at the hands of a Catholic order could easily be interpreted as sacrilegious. Voltaire reiterates the transgression of the laws of Nature and of God when he says of the monks:

"Ils avaient trahi la religion  
pour exterminer tous les droits  
de la nature." (p.570)

Christ, humble, poor and humane, is the epitome of that basic religion which Voltaire truly desired. He sees the monks as a barrier to the attainment of true Christianity and laments its absence. He cries out against the monks:

"Si notre religion, qui commença par ne point connaître les moines, et qui, sitôt qu'ils parurent, leur défendit toute propriété, qui leur fit une loi de la charité et de l'indigence; si cette religion, qui ne crie de nos jours que dans

le ciel en faveur des opprimés, se tait dans les montagnes et dans les abîmes du mont Jura, ô justice sainte! ô coeur de cette religion! faites entendre votre voix souveraine; dictez vos arrêts, quand l'Évangile est publié, quand on foule aux pieds de la nature!" (p. 575)

Why, one may ask, did Voltaire turn to this form, a mixture of fact and fancy, after two years of protestations and mémoires? It is possible that he realized what little influence his supplications were having on public opinion. Fact-filled reports in a form suitable for presentation to the king were interesting enough, but were rarely, if ever, read as literature and may well have left the reader unmoved. The tearful anecdote, however, presented characters whom the reader could judge, and with whom he could sympathize. Instead of listing statistics and conditions, as he had done previously, Voltaire introduces the naïve and virtuous country priest, the sympathetic "honnête" canon, the unhappy serfs, the cruel, enslaving monks, and even Jesus Christ, whose well-known virtues need not be lauded here. These were people more real than mere statistics, and the reader would involve himself more with the story to the point of hoping, if not for a happy ending, at least for a just one. When the expected satisfactory result does not come to pass, Voltaire hopes that his reader will be disappointed and disturbed, that his indignation will be aroused.

There was danger, however, in mixing fact with fiction. Voltaire ran the risk that the conditions he

describes in "La Voix du curé" would be taken completely as fictive. To overcome this risk, to lend authenticity to the story, he is very precise in his use of names and dates. At the very outset, he sets the date of the story; the feast day of Saint Louis, August 25, 1772.<sup>16</sup> When describing the case of Jeanne-Marie Mermet, an actual lawsuit, he enables the reader to verify the fact by giving the exact date of the trial: June 22, 1772. When the canon admits that the titles of his masters, the monks of Saint-Claude, are false (p. 573), he gives the years of these titles, 1350 and 1390, and the names of those parties concerned. Consequently, the bulk of the story has an apparently factual basis, even though its principle element, the visit of the country priest, is fiction.<sup>17</sup>

One interesting aside is a paragraph devoted to the Dissertation published by Christin and Voltaire earlier in the same year, (1772). It constitutes little more than advertising. The paragraph begins:

"un des avocats qui avaient plaidé pour ces infortunés, et qui avait sauvé la pauvre Mermet des serres de la rapacité, me donna un livre instructif et nécessaire, intitulé Dissertation...". (p.570)

The country priest then gives all twenty-three words of the title. The curé's judgment of the Dissertation as "instructif et nécessaire" was probably an attempt by Voltaire to make the work known despite the opposition of the censor. The decision to refuse permission to circulate

the book in Paris was probably made at the instigation of the ecclesiastical authorities, and its praise by the country priest in the story, himself a member of the clergy, seems to indicate a little revenge on Voltaire's part.

Considering the nature of Voltaire's other short works of the period, "La voix du curé" is quite direct and violent. The influence of the piece, however, seems to have been slight, for there is little mention of it in the Correspondence, although Voltaire may have wanted its authorship to remain obscure. Perhaps its importance lies not in its influence on the abolition of serfdom, but in its creation of a new French literary form. It is probably the first example of the tearful anecdote. There were other examples of this type later in the 1770's and during the 1780's such as the marquis de Villette's "Protestation d'un serf du Mont-Jura"<sup>18</sup> for instance. These, however, often tended towards excessive sentimentality and overt exaggeration, and lacked the restraint evident in Voltaire's writing.

The two remaining works by Voltaire concerning the serfs of Mont-Jura which do not fit in with the supplications are the "Lettre du révérend père Polycarpe" and the "Lettre d'un bénédictin de Franche-Comté à M. l'avocat-général Séguier". It was Séguier, the first crown attorney, who ordered the condemnation and subsequent burning of P.-F. Boncerf's

pamphlet Les Inconvénients des droits féodaux.<sup>19</sup> Voltaire again masquerades as a clergyman in the "Lettre du révérend père Polycarpe" and praises, rather eloquently, the condemnation of Boncerf's pamphlet. As one continues to read, however, the praise becomes extreme to the point of exaggeration and the reader realizes that it is nothing other than irony. The modern reader has the added advantage of knowing that Voltaire is the author of the letter, and so he is less likely to fall into Voltaire's trap.

The technique used by Voltaire consists in lulling the reader, who may support the practice of serfdom, into a sense of security with the apparent praise of Séguier's condemnation. The reader is apt to agree with the Reverend Father's opinions, but despite the fact that Voltaire never abandons the praise, the reader is sooner or later bound to realize that the author is not lauding the condemnation, but criticizing it. By apparently supporting Séguier's decision, Voltaire forces the reader, who may be in favour of serfdom, to cease being on guard. A reader might be most circumspect on reading a direct attack on serfdom by Voltaire, but would be less critical as he read a piece which appeared to reinforce his own views. An example from the text may, perhaps, make this more clear. The Reverend Father announces that Les Inconvénients is a work

"capable d'échauffer le peuple et de le porter à la révolte." (p. 336)

The reader naturally agrees with this statement, for he fears an uprising of the people. Polycarpe continues by stating that

"cet écrit... renverse les principes fondamentaux de la monarchie, puisqu'il détourne les vassaux de plaider avec leurs seigneurs;"

Again our reader agrees that lords and vassals should not discuss the matter, since in his view, seigniorial right is fundamental to the monarchy. Having achieved the reader's approval, the Reverend Father declares that in his work, Boncerf gives the following advice:

"se concilier et de convenir, de gré à gré, du prix de l'affranchissement des droits féodaux, qui sont une source intarissable de procès. Tout le monde sait que ces procès sont les plus difficiles, les plus compliqués, les plus obscurs de tous". (p.336)

Voltaire now has the reader opposed to peaceful reconciliation between the two sides, but believing that seigniorial court cases are impossibly long and virtually useless.

Since court trials would be the result of a failure to conclude the issue of feudal rights, there seems to be no solution. The reader, now believing that no solution exists, is ready to be exposed to Voltaire's plan:

"Supprimez ces droits vous supprimez net la moitié des procès". (p.336)

Voltaire was more able to manipulate his reader than was any other writer of his time. He must be the earliest of the literary propagandists to use a psychological



means to have his ideas believed, and is certainly more subtle than most of his contemporary propagandists. He uses extreme phrases to condemn Boncerf's book and to praise Séguier's condemnation, and this exaggeration is the most common technique of the tearful anecdote. Polycarpe has read Séguier's act "avec admiration" (p. 333), "avec des larmes d'attendrissement" (p. 335), and he lauds his "éloquence" (p. 338). Persons working for the abolition of serfdom he dubs "condamnables", "insensés" (p. 336), and "insolents". He compares Séguier to Cujas and d'Argentré, two seventeenth century jurists, and to DuMoulin, probably the most capable French jurist of all, but admits that Séguier "était d'une autorité bien supérieure" (p. 336). To a reader with any knowledge of French legal history, this comparison alone would prove rather ludicrous and exaggerated.

The irony of this letter lies in the giving of praise where praise is not due, and the adoption of a completely indefensible attitude in favour of serfdom. The latter technique can be illustrated by examining several extracts from the letter. The Reverend Father says:

"je tremblais pour le plus sacré de nos droits seigneuriaux, le plus convenable à des religieux, celui d'avoir des esclaves. Hélas! nous avons failli à le perdre." (p.333)

The last statement refers to the affair of the region of

Chézéry which had until 1760 belonged to Savoy. In that year, an exchange of land brought it under the French crown. The serfs of Savoy were freed by the king of Sardinia in 1762 and consequently, had the region of Chézéry remained within Savoy, all serfs living there would have been free men. Polycarpe is naturally relieved that the exchange took place when it did, for he is the "prieur des bernardins de Chézéry" (p.333) and would most assuredly have lost his serfs.

Voltaire, realizing that the monks are aware of the plan to reimburse serf owners for their losses, concludes that there must be some other reason for them to maintain serfdom. Polycarpe admits that his order would be justly recompensed in the event that serfdom were abolished

"en argent un capital dont l'intérêt nous aurait produit sans procès le même revenu que nous tirons de nos vassaux"  
(p.334)

But they would lose the

"plaisir de commander en maîtres à six mille esclaves."

Voltaire concludes that the monks must enjoy

"la consolation de ruiner toute les années une vingtaine de familles, pour apprendre aux autres à nous obéir et à nous respecter."

Of course no serf-owning Reverend Father would ever issue such a statement. Voltaire is exaggerating in order to allow the clergyman and the order he represents to be condemned by his own words. The Reverend Father

also leaves himself vulnerable to criticism when he says:

"j'avais lu avec douleur...que saint Louis s'occupa plus qu'aucun de ses prédécesseurs du soin d'étendre la liberté renaissante." (p.334)

Note that Voltaire chose the title "saint" for the mediaeval king, and not Louis IX. By criticizing the efforts of the king to extend liberty in France, he is also criticizing the efforts of the saint. This sacrilege reinforces the notion of the separation of the institution-alized church from the early Christian religion.

As he did in "La Voix du curé", Voltaire shows the church to be opposed to the interests of the people. Polycarpe announces that the three high orders of French society, the church, the nobility, and the legal profession should "se réunir contre l'ennemi commun" (p. 337). The common enemy was, of course, those men fighting for the abolition of serfdom, amongst whom Voltaire included himself. Polycarpe then identifies the church and the parlements as the enemy of all Frenchmen when he says:

"L'église excommuniera les autres qui prendront la défense du peuple; le parlement, père du peuple, fera brûler et auteurs et écrits; et, par ce moyen, ces écrits seront victorieusement réfutés." (p.337)

Note the irony in the description of the parlement as the "père du peuple". Voltaire was, by that time, late in February 1776, disillusioned with the parlements as

institutions capable of reforming French society. He had seen the parlement of Paris deny permission to circulate his Dissertation and burn Les Inconvénients, and the parlement of Besançon render a judgment against him in the case of the serfs. Consequently, he had no love for either body.

The short "Lettre d'un Bénédictin" which also dates from February or March of 1776, had the same form as the "Lettre du Révérend Père Polycarpe". It too is a letter from a monk to Séguier, the first crown attorney. The monk begins his statement by refuting a famous quotation of the former finance minister, Turgot. Turgot said that

"le droit de travailler est le droit de tout homme; cette propriété est la première, la plus sacrée, et la plus imprescriptible de toutes" (p.340)

This statement implies that on his death, the fruit of a man's labour belongs not to the monks, but to his living relatives, a notion to which the Benedictine was most naturally opposed. The monk then praises Séguier for his refutation of this statement and for "dénonçant à votre compagnie les détracteurs de la servitude" (p.340). This, to Voltaire, was no compliment.

The most important paragraph of this very short letter is its conclusion, which is more damning to the church than even the charge of its being the enemy of the people. The Benedictine compares those regions in which

serfdom has been abolished to those in which it has not.

Of the latter he says:

"Les moines sont riches dans les provinces où on leur a permis de conserver des serfs" (p.340)

Of the former he says:

"Dans les autres endroits où la servitude a été abolie, des cités se sont élevées, le commerce et les arts se sont étendus, l'Etat est devenu plus florissant, nos rois plus riches et plus puissants; mais les seigneurs châtelains et les gens d'église sont devenus plus pauvres, et le peuple devait-il être compté pour quelque chose?" (p.340)

The Benedictine laments the expansion of commerce and of the arts, and the power of kings, institutions most dear to Voltaire. Voltaire could in no way excuse the monks for opposing the growth of these institutions.

It is clear from these three works, "La Voix du curé", the "Lettre du Révérend Père Polycarpe" and the "Lettre d'un Bénédictin", that Voltaire regarded the Order of Benedictine Monks of Saint-Claude, and, by extension, the Roman Catholic Church itself, as opposed to many of the important principles of the Enlightenment. He separated the church from all the ideas in which he placed his faith: the teachings of Christ, philosophy, humanity and in the power and beneficence of an absolute monarch.

When the case of the serfs of Saint-Claude went

before the parlement of Besançon in the summer of 1775, Voltaire was a man of eighty-one years. He had worked hard for five long years to achieve the abolition of serfdom throughout France, and the trial in Besançon was to be a case which would set the precedent for the continuation or the destruction of that feudal institution. The case was summarized as

"la question de savoir, si les dits exposants doivent, aux termes des titres et chartes par eux produits, être déclarés francs et libres de tous droit de mainmorte, tant pour leurs personnes que pour le territoire qu'ils occupent"<sup>20</sup>

The parlement of Besançon debated the question throughout the summer months. Christin argued in favour of the serfs; Voltaire encouraged him. Both hoped for a favourable decision. The parlement finally came to a decision on Tuesday, August 19, 1775, when it upheld the rights of the Benedictines.

Voltaire had hoped that an enlightened government, for such he believed to be the nature of the government of France, would be able to rid itself of the harmful institution of serfdom. French society was indeed capable of reforming itself, as proven by the adoption of the edict of 1779, but not to such a great extent, and not as quickly as Voltaire wished. Perhaps it was a touch of vanity on Voltaire's part to want to see the abolition of serfdom in his own lifetime. Perhaps he possessed an

exaggerated faith in the ability of his country to reform itself. There was too much self-interest in the clergy, in the nobility and in the judiciary for the abolition of serfdom to be carried out quickly and peacefully. The concern of those men capable of making the reform was not the welfare of the state, but the maintenance of their own seigniorial rights and the revenues they brought. At that time, in Besançon, in Franche-Comté, in aristocratic France, there could have been only an unfavourable decision. For days afterwards, Voltaire was depressed, discouraged and tired. Five days after the decision, he wrote in the third person to d'Alembert:

"il lève toujours les mains au Seigneur pour le succès de la bonne cause. Mais il n'est pas heureux à la guerre; il vient de perdre le procès de douze mille agriculteurs nécessaires à l'état, contre vingt chanoines inutiles au monde. Le parlement de Besançon a condamné aux dépens et à la servitude douze mille sujets du roi qui ne voulaient dépendre que de lui, et non d'un couvent de moines...cette aventure m'attriste; il faut passer toute sa vie à combattre." 21

Three days later, however, Voltaire was back in spirits again. He wrote to Christin on August 27 and told him not to be discouraged:

"je suis sûr que vous ne découragez point. Cette fatale aventure pourrait être une occasion de détruire ce reste de barbarie qui subsiste encore en Franche-Comté et qui déshonore le royaume." 22

Voltaire continued the campaign for his beloved serfs, writing three more pieces on their behalf before his death in 1778. The "Supplique à M. Turgot" is a final appeal to the minister of finance for his official support. Although Turgot believed in the justice of the campaign, he could give it no official sanction in his capacity as minister of finance. Voltaire's last works concerning the case are the "Requête de 1777" and the "Diatribes à l'auteur des Ephémérides", both of which are reiterations of what he had been saying for many years. The reader cannot help but wonder at his persistence and will to overcome the frustration of seeing eight years of work dashed to pieces by the decision of a biased parlement.

The last mention of the case in Voltaire's correspondence is a letter to Christin, dated January 13, 1778, four months before his death. It betrays discouragement verging on hopelessness. He writes:

"Je tremble de tous côtés pour nos chers St. Claudiens. J'ai bien peur qu'ils ne soient mangés par les pharisiens et par les publicains. Mais où se réfugieront-ils? Ils n'ont ni protection ni asile. Tout ce que je vois me fait horreur et me décourage. Je vais mourir bientôt en détestant les persécuteurs, et en vous aimant." 23

He won a minor posthumous victory with the publication of the Edict of 1779, which abolished serfdom on all crown land. Few private landowners followed suit. Like the Benedictines of Saint-Claude they maintained their



seigniorial rights so that the edict was rather a shallow victory. This edict will be studied in more detail in the following pages.

One may tend to assume that the ferocity of Voltaire's attack on serfdom in France was intended to conceal the absence of a practical plan to achieve its abolition. In actual fact, the contrary is true. He had a lucid, and, in his opinion, quite equitable scheme to rid the country of this feudal remnant.

The institution of mortmain was viewed in two different ways during the 1770's, one seigniorial, the other economic.<sup>24</sup> Most lords considered the rights appertaining to mortmain as hereditary, and regarded them as irrevocable since they were granted to them on the basis of their rank. Many theorists viewed mortmain merely as a system of taxation, which entitled the seigneur to receive rent from tenant farmers, the rent taking the form of services, goods or cash. Voltaire refused to consider mortmain as an hereditary right. He wanted its abolition by the crown; the lords would then be induced to accept compensation from their former vassals. When Voltaire examined mortmain as a system of taxation, he argued that the right to tax lies only within the power of the king. Fief-holders were therefore usurping the right of the king to tax his subjects. In this case, if mortmain were abolished, compensation should come from the king, since

the serfs themselves would still be paying taxes, only to a more rightful master.

Voltaire believed that the abolition of mortmain would be legitimate only if the landowners received compensation. He was a landowner himself and realized the ill effects on a man and his family which would result from a sudden loss of revenue. He had no desire to rob the lords of their seigniorial rights but sincerely believed that they should be abolished in the interest of greater justice. Voltaire believed that noblemen had as much right to justice as did the serfs and viewed compensation of lost revenue as a necessary step to ensure the success of abolition.

As far as possible, he wanted compensation to be of a similar nature as the loss suffered and did not favour payment of a lump sum of cash. Compensation, he felt, should also be subject to two provisions: the titles possessed by the landowner must be well and legally founded, and the payment made must not exceed the true real value of the productivity of the land.<sup>25</sup> Since Voltaire believed that the titles possessed by the monks of Saint-Claude were fraudulent, they were not entitled to compensation in any form. Where the annual revenue of the land could be easily determined, and where a piece of tillable land was not to be the repayment, the lord was to be given an annual sum of one seventy-second part of this revenue, one seventy-second part of the revenue from the

sale of produce from the land, or five days of work per year over a period of seventy-two years. Voltaire chose the number seventy-two because he believed it to correspond with the average length of a man's life. All compensation would then be completed in only one generation. He considered this a just settlement which he hoped would please, if not all, at least most of the parties concerned.

Voltaire claimed that there should not be any compensation for the loss of personal servitude, for it was a violation of the natural right of man to freedom. He sees this right as

"une liberté acquise par le droit naturel, qui est plus ancien que toutes les lois humaines."<sup>26</sup>

Nor did he see repayment for the loss of the droit de cuissage, the taxes of mariage and formariage. He considered these to be abuses of power and believed that the king would be more than just in abolishing them without recompense. Of these ancient rights he says:

"de tels tributs ne peuvent ni représenter un impôt, ni être les conditions légitimes d'une cession de propriété: ils sont évidemment un abus de la force et le souverain serait même plus que juste envers ceux qui en jouissent, en se bornant à les abolir sans exiger d'eux ni restitution ni dédommagements."<sup>27</sup>

Some seigniorial rights, Voltaire believed, were contrary to good sense. These were, for example, the rights of a lord to the goods of a foreigner on his land, and the

right to claim goods a serf had acquired elsewhere through his own enterprise. Such rights should also be abolished without reimbursement, since a lord has rights only to goods situated or earned on his land.

To avoid the necessity of reimbursing lords for certain personal rights which may arise in the future, Voltaire formulated one sweeping reform, which reads

"Toute convention dont l'exécution est d'une durée perpétuelle doit être soumise... à la puissance législative, qui peut en changer la forme, en conservant à chacun les droits réels résultant de la convention."<sup>28</sup>

This, he believed, would ensure that the king maintained the power to prevent the rebirth of such medieval institutions as mortmain and the coutumes, thus ensuring that seigniorial right was never again to be abused. The placing of the coutumes under legislative power is another aspect of Voltaire's desire for the codification of French laws. He saw the system of customary law as a major obstacle to codification, and a great cause of confusion and delay in the courts.

As a result of his campaign for the abolition of serfdom at Saint-Claude, Voltaire began to examine seriously the whole French legal system. He had criticized various laws over a period of decades in several cases he had undertaken, but never before had the arguments taken on the aspect of a campaign to reform the whole judiciary

system and to establish a uniform code of law. Most of his arguments against the existence of disparate provincial legal systems and against the continued practice of feudalism were a direct result of his campaign to emancipate the serfs of Mont Jura. Consequently, Voltaire's ideas on the establishment of a unified law code must be examined.

There existed already in France the institutions necessary for the establishment of a uniform law code. These were the courts governed by the Council of State, which, like the Supreme Court of today, served as a final court of appeal. The king was "recognized as the ultimate court of law in France. His will, therefore, took precedence over customary law."<sup>29</sup> It was the royal judicial system which had, in 1580, redrafted the coutumes of the various provinces of France, a clear demonstration of royal control over customary law. This act did, however, have its disadvantages, for it gave royal sanctions and therefore legitimacy to the coutumes. Colbert, the great minister under Louis XIV, had wanted to construct a single code of law in the seventeenth century, but was prevented from doing so, as Mackrell points out, by the "Kafkaesque complexities of French laws."<sup>30</sup> Consequently Voltaire's task was not a slight one, for the coutumes had been allowed a whole century to evolve further.

The most important principle in favour of a code was the belief that the king gave authority to all French law. He could theoretically, therefore, deny this authority to the coutumes and replace them with laws which pertained equally to all parts of France. What, then, prevented the crown from implementing a uniform code? The immensity of the task was the major impediment to its introduction. The French government of the 1770's possessed neither the resources nor the manpower to proceed with the reforms.

The disastrous Seven Years War (1756-1763) had despoiled France of her North American possessions save Louisiana, and had also undermined the national economy. Inflation ate away at the royal money reserve and attempts to raise money by introducing new taxes met with stiff opposition. The policy of Jacques Necker, the comptroller general, of direct aid to the American colonies in their fight against British rule was still more injurious to the French economy. He financed support for the American Revolution by floating vast loans which aided the Americans, but extinguished any hope for the early recovery of the French economy. Consequently, the money needed to codify the French legal system was simply not available.

Nor was the army of royal lawyers necessary to effect the reforms available. There were many jurists in

France well capable of carrying out the improvements, but the majority of them were in the service of the seigneurs, and were not so much in disagreement with the reforms as opposed to them. Thus, despite the fact that the principal base necessary for the establishment of a uniform code of law did exist, the tools necessary to carry out the task were lacking. France was not to be granted a code until the beginning of the following century.

Despite Voltaire's failure to emancipate the serfs of Saint-Claude, and his subsequent death, there was still hope that the reform might be made by peaceful means. The serfs of Mont-Jura would now never be freed unless serfdom were abolished throughout France, for they no longer had the indefatigable Voltaire to campaign for them. Although Voltaire was the most illustrious of the abolitionists, he was by no means alone in his campaign. Nor did the campaign die with him. During the 1780's, the crusade for the abolition of serfdom was carried on by many other writers, most of whom regarded Voltaire as their inspiration. A study of Voltaire's campaign for the Jura serfs would not be complete without an examination of these writers, the influence of Voltaire and his campaign on them, and on the Revolution.

Voltaire was certainly the most influential of the writers who were campaigning against serfdom in eighteenth-century France, but he was by no means alone in his

condemnation of it. Many men like the abbé Saint-Pierre saw the inequities of serfdom and seigniorial right long before Voltaire became deeply interested in the subject. The campaign to abolish these rights went back even further to the sixteenth century, when Charles DuMoulin, in his attempt to reform the coutumes, realized that feudal right placed a barrier between the king and the homage due him from his subjects.<sup>31</sup> Mackrell describes DuMoulin's influence as

" vital... in restricting the definition of a fief to the propriety elements alone. DuMoulin insisted that the seigneur's rights were over the fief that was held from him and not over the person of his vassal. " <sup>32</sup>

If this belief had been channelled into legislative reform, the abuses of personal servitude, the most restrictive of all seigniorial rights, would probably not have existed for Voltaire to condemn. So Voltaire was not a pioneer in his attack on feudalism during the 1770's.

There were other men who preceded Voltaire in the campaign, writers such as G.-A. Guyot, who wrote the Traité des fiefs tant pour coutumier que pour les pays de droit écrit (1746-1758), Renaudon and Jean Bouhier, the grand president of the parlement of Burgundy.<sup>33</sup> These writers were not so much concerned with the inhumanity of seigniorial rights as with the seigneur's strict observance of them. They objected not to the rights in principle, but to their abuse, and wrote much concerning



the need for complete adherence to the letter of the law. These authors' love of detail is illustrated by Mackrell when he writes of a passage in Bouhier's Observations sur les coutumes du duché de Bourgogne (1742-1746). Bouhier, discussing those serfs who performed labour duties, was perplexed by the problem of whether or not they were entitled to receive cheese with their bread. The author offered no solution; indeed, he "found this question altogether too difficult to answer."<sup>34</sup> It was characteristic of most of the writers who preceded Voltaire not to challenge seigniorial rights which had been duly recorded, but to content themselves with matters of detail.

Voltaire's predecessors do, however, have some significance to a study of the campaign of the 1770's. Although these writers have no real political significance, it is important to note how radically Voltaire's campaign differed in tone and in force from any other which had taken place before it. Bouhier observed details of the practice of serfdom; Voltaire campaigned against the very principle. In this comparison lies the motive for mentioning Bouhier and Renaudon, for it serves to underline how distinct Voltaire's campaign really was.

Voltaire seems to have been the first writer of the eighteenth century to have challenged even those rights which had sound legal foundations. He was most certainly the first to argue against serfdom on humanitarian principles and it was he who lit the torch which was to be carried after his death by such men as the abbé Clerget and the poet Florian.

These men, however, contested seignioral right less on purely humanitarian grounds than did Voltaire. They lacked the skill to manipulate the reader and win him over with subtle persuasion rather than open appeal. P.-F. Boncerf, in particular, was known for the economic slant of his arguments, although Voltaire's influence on him was extensive. Mackrell writes that:

"Boncerf, who attacked feudalism so trenchantly on humanitarian grounds... as late as 1791 testified to the influence of Voltaire on his circle, and of how the cause of the serfs of Mont-Jura had enabled them to grasp 'feudal' law as a whole."<sup>35</sup>

The influence of these writers of Voltaire's campaign to emancipate the serfs of the Jura mountains cannot be over-emphasized. The great reception given Florian's poem "Voltaire et le serf du Mont-Jura" is testament to the high regard Voltaire and his campaign were accorded in the learned societies of France. The poem was awarded the French Academy's prize of 1781<sup>36</sup> and was acclaimed throughout France.

Even the Edict of 1779, which abolished serfdom on all crown land and invited private owners to follow suit, echoes Voltaire's last mémoire, the Mémoire de 1777. Perhaps the view of Voltaire as an omnipresent force in the latter stages of the campaign is fitting. It was he alone who dared defy the clergy, who tirelessly urged the king to abolish serfdom, who spent much of the last eight years of his life campaigning with a young man's optimistic belief that his society had the strength and stability to reform itself. It was with this belief, although less enthusiastic, and with the memory of Voltaire, that the campaign of the 1780's was conducted.

Perhaps 'campaign' is not the appropriate term to be applied to the efforts of various writers of the 1780's who saw the ills of serfdom and wrote against it, for their efforts were not concerted. There were fewer supplications to the king, no more deputations of serfs sent by Voltaire, and the works produced consisted more of commentaries on serfdom than elements of a campaign to abolish it.

Boncerf viewed serfdom in the light of social utility, which he considered the only measuring stick by which the usefulness of social institutions were to be judged. Unlike Voltaire's principle argument against serfdom, which was humanitarian, Boncerf's argument was based on the principle that serfdom should be abolished since it was harmful to the French economy. In Les Inconvénients des droits féodaux (1776) he emphasizes the high cost of levying feudal dues, the necessity of hiring agents, "commissaires de terrier" or "feudistes", to enforce their collection, and the danger of contestation against these dues by an energetic serf. Should he feel justified, a serf could, with some effort, contest the imposition of feudal dues and initiate a trial of seigniorial right. These trials were, of course, quite rare, but some did take place, often dragging on for years and tying up the courts.<sup>37</sup>

Boncerf urged that the seigneurs commute their rights in return for a fixed payment, which he insisted

would be far more profitable. Mackrell quotes Boncerf as saying that

"There are no vassals who would not purchase exemption from all the cens, surcens, corvées, etc. at 50, or 60, or more times the annual rate; the rights of lods, of relief, of champart, the banalities more dearly still. A seigneur would draw from the sale of his rights more than if he sold his whole estate." 38

He also believed that the absence of a free market in land, since a serf was not free to sell or exchange his property, was harmful to both the regions in which serfdom was still practised, and to the economy of France in general. As there existed no possibility for new investment of money in the land, there was little capital input into those regions. The result was striking; expensive farm improvements were impossible and French farming was almost medieval when compared with agriculture in England where the effects of the industrial revolution on farming were already beginning to be felt.

Even Boncerf's somewhat humanitarian argument against serfdom contained strong elements of his economic theories. He writes that the administration of many estates, including that of the monks of Saint-Claude, was left to the commissaires de terrier, often unscrupulous men with a knowledge of seigniorial finances, since the work involved in the maintenance of an estate was often considered to be too lowly for the concern of a nobleman.

These enterprising commissaires often bought the right to draw up and enforce the terriers, the system of taxation of an estate, and frequently enriched themselves at the expense of both the peasant and their lord. Boncerf wrote in La Plus importante et la plus pressante affaire (1788) that

"It is impossible to protect the vassal too much from the over-frequent enterprises of these formidable aggrandizers, who buy from the seigneurs the right to draw up their terriers; these then become in their hands instruments of pillage that always go unpunished because they are judges and parties in their own cause."<sup>39</sup>

Boncerf lacked the imagination and spirit of Voltaire. In fact, Mackrell calls his most famous work Les Inconvénients "dry and boring"<sup>40</sup> and goes on to say that it "contained few original or daring proposals."<sup>41</sup> What then, were the reasons for the uproar the work causes, and which is its author's only real claim to remembrance? The answer lies not in the contents of the pamphlet, which were rather moderate in tone, but in the political intrigue which surrounded it.

The parlement of Paris condemned the pamphlet in an attempt to discredit the finance minister, Turgot, who was supposed to have encouraged its publication. Turgot had, in fact, attempted to suppress it.<sup>42</sup> The parlement announced that it feared the pamphlet might encourage the peasants to revolt against their lords. The work was attacked by the advocate-general, Séguier,

then torn to pieces and burned on the steps of the palace in which the parlement sat. During the 1780's, Boncerf came to realize that serfdom would most probably die of its own accord if left to do so. He wrote, seemingly anticipating the Revolution, that France would soon be the home of only free men.<sup>43</sup>

The abbé Clerget, Voltaire's true successor in the campaign to abolish serfdom wrote in a more humanitarian vein than did Boncerf. He seems to have lived the life of Voltaire's country priest in La Voix du curé and had a rural parish at Ornans. Nevertheless, he maintained links with the philosophes through his correspondence with several vanguard writers.<sup>44</sup> Mackrell claims that Clerget brought the tearful anecdote "as near to perfection as the genre allowed"<sup>45</sup> in his work Le Cri de la raison (1789) which was described by Mackrell as

"a kind of literary brainstorm in which typical eighteenth century rationalism is engulfed in a tempestuous eloquence."

Clerget, like Voltaire, was not afraid to exaggerate in order to evoke an emotional response in his reader. He claimed that there were not one hundred and forty thousand serfs in France, but one and a half million. He insisted upon the ease with which a man could become mainmortable unwittingly, and argued that the necessity of keeping the communion so as to ensure inheritance was dangerous to the stability and unity of a family. The abbé believed

that arguments and murder would be the only results of such close contact amongst all the members of a family. He also saw that a serf wife was in danger of being deserted if she could produce no heirs.<sup>47</sup> Le Cri de la raison is a moving piece. The fact that this work and another, Coup d'oeil philosophique et politique sur la mainmorte (1785), written in collaboration with the abbé Baverel, were authored by members of the clergy is proof that not all churchmen were in favour of the retention of seigniorial right, even when it was held by a religious order.

Clerget's major shortcoming lies in his technique of mixing past seigniorial abuses with those of his time in an apparently deliberate attempt to make serfdom seem worse than it actually was. Like Voltaire, he was unafraid to take documented abuses of seigniorial right which occurred in the past, especially abuses of the droit de cuissage, and imply, or even state outright, that they were still taking place. The blurring of the border between past and present was not particularly honest, but it is consistent with the character of the tearful anecdote. Such practices would be inexcusable in a work of objective social examination, but are acceptable in the form of the tearful anecdote, whose main aim was not to analyse society, but to bring the reader by almost any means to condemn one aspect of it.

Another work based on the humanitarian argument against serfdom and close to the form of the tearful anecdote, was Florian's poem "Voltaire et le serf du Mont-Jura" (1781). Florian's relationship with Voltaire added plausibility to the poem, and coupled with Florian's already wide reputation, brought the work further admiration.

The French Academy had, in 1779, offered a prize for a poem on the subject of the emancipation of the serfs on crown land, but for two years the offer remained open.<sup>48</sup> Then, in 1781, the subject was expanded to include any related theme and Florian undertook a project to laud Voltaire's campaign. The poem was read publicly for the first time by d'Alembert on August 25, 1782, the feast day of Saint Louis,<sup>49</sup> coincidentally, exactly a decade from the date set by Voltaire on which the action recounted by Voltaire in his pamphlet La Voix du curé is supposed to have taken place.

As the poem begins, Voltaire is contemplating the beauty of his surroundings at Ferney when

"Il voit venir à lui d'un pas  
précipité  
Des femmes, des enfants pâles, baignés  
de larmes.  
Au milieu d'eux était porté  
Un vieillard expirant, objet de leurs  
larmes,  
Leurs bras étaient son lit."<sup>50</sup>

The old man is placed at the feet of Voltaire and recounts the story of how, as a young man, he had come to Franche-Comté,



had fallen in love, had married, and had lost his wife after twenty years of marriage. Sadness had brought him to the brink of death when he learned that he was a serf and that all his goods and his children belonged to the lord. He was told that the only way to achieve freedom was to breathe his last on free land, and so he is carried to Ferney. Voltaire then assures the old man that the Order of Benedictine monks at Saint-Claude will follow the example of the king and free their serfs, and the old man dies in peace.

This poem does, quite obviously, have its weak points. Had Voltaire been alive in 1779, he could not have believed that the monks of Saint-Claude would follow the king's example, he had too much experience to place faith in them as liberators. However, the reader must not take the apparent facts of the poem to heart and condemn it for its lack of authenticity. The poem was more an epistle to the spirit of Voltaire in his campaign for the Jura serfs than a record of actual events.

Turgot had wanted to abolish serfdom on crown land earlier in the 1770's, but had feared that the acknowledgment of serfs as true property would entrench the institution more deeply still and make its complete abolition virtually impossible. Consequently, it was not until Jacques Necker became minister of finance in 1776 that a plan was formulated to achieve that end.

The edict unconditionally banned the possession of serfs on all land owned by the crown, but in no way did it attempt to do the same on privately owned estates. It issued instead only a pathetic appeal to serf owners to give up their vassals and free them in return for lump payment of cash. The edict was published mainly in response to demands from many writers, mostly of a humanitarian nature, but it was regarded by most publicists as an anti-climax.<sup>52</sup> The crown revealed the reasons for the limited effect of the edict in its preamble, which read in part:

"We would have wished to abolish these vestiges of a rigorous feudalism without exception, but our finances do not permit us to repurchase this right from the hands of the seigneurs, and [we are] restrained by the respect we will always have for the laws of property."<sup>53</sup>

The wisdom of the preamble is doubtful. In it the crown acknowledged its inability to bring about the general abolition of serfdom. At the same time, it recognized serfs as a form of property which would have to be purchased. In this way it gave the impression that the institution would have to disappear of its own decrepitude.

The edict, however, did have a number of positive repercussions. For example, some seigneurs did imitate the crown and free their serfs. Then the king's hostility to serfdom was now made very clear. It placed the crown in a position of alliance with the peasantry. This notion

of the king allied with his peasant farmers against the incursions of a nobility still clinging to its feudal pretensions makes one believe that the French monarchy could have outlasted the eighteenth century. Many publicists felt that as a result of the edict, complete abolition was at hand, since many of the legal formalities previously necessary to emancipate serfs were now to be dispensed with.

Most parties concerned, both the abolitionists and the seigneurs, were displeased with the edict. Such is often the result of a compromise. The conservative seigneurs felt the edict to be an invasion of their personal and property rights, while many abolitionists believed it to be weak and useless, if not harmful, to their cause. Clicquot de Blervache, a writer concerned with rural poverty, complained that the edict was of little importance if a second were not issued to abolish mainmorte réelle.<sup>54</sup> Prost de Royer, author of the Dictionnaire de jurisprudence et des arrêts (1781-88) considered the edict to be little more of a general movement towards liberty that the king was powerless to resist.<sup>55</sup>

The Edict of 1779 was an enigma. A few praised it, most criticized it, although for vastly disparate reasons, but it was a clear manifestation of the crown's

awareness of the need for social reform. The fact that Voltaire initiated the humanitarian argument against serfdom during the early 1770's, and that the edict was issued in response to humanitarian objectives reveal that Voltaire was, in fact, its main cause. One suspects, however, that, like most publicists, Voltaire would have been dissatisfied with its limited influence. It was clear, nevertheless, that the crown was capable of reforming French society and the possibility of avoiding upheaval existed even very shortly before the Revolution.

Serfdom was formally abolished by an act of the National Assembly on August 4, 1789. However, it must not be believed that any of the campaigns of the 1770's and 1780's including Voltaire's on behalf of the Jura serfs, had a very direct and major influence on the abolition, for it was the peasants themselves who caused the act to be promulgated. In order to pacify the countryside, to bring the majority of Frenchmen around to supporting the Revolution, the National Assembly found it necessary to accede to many of the peasants' demands concerning the abolition of feudal rights and tithes, and to set up the Feudal Committee to oversee the implementation of the act of abolition. This committee was made up of "one bishop, four nobles, three landowners,

one lieutenant-general and an overwhelming preponderance of conservative-minded lawyers".<sup>56</sup> Hardly a group capable, or desirous, of dismantling an institution in which it had vested interests. It is clear, too, that the National Assembly never intended to destroy seigniorial rights and saw the act of August 4 merely as an expedient to pacify the peasants.

The method by which the Feudal Committee achieved its nefarious end was to eliminate those rights which had fallen into disuse, and for which the seigneur had no real need, such as the droit de cuissage and the droit de pêche. In this way, the external trappings of serfdom disappeared, while the basis for its revival remained intact. Merlin de Douai, chairman of the Feudal Committee, implied in a report of February 18, 1790 to the National Assembly, "that he was trying to consolidate the former dues under the name of freehold property."<sup>57</sup> In March of 1790, a new decree was issued which declared that feudal rights which were recorded in a contract would be allowed to continue in practice. It is quite obvious, then, that no sooner had the National Assembly abolished serfdom it set about reestablishing its institution. Mackrell sums up this situation when he says:

"Far from being legislated out of existence by the many revolutionary decrees, some feudal rights survived

the Revolution to carry the spirit of the ancien régime deep into the nineteenth century. Successive governments were only too eager to hasten the assimilation of former dues to property rights. Feudal rights in their new form did not so much survive as prosper." 58

Had Voltaire lived to see the abolition of serfdom come to pass, he would, most assuredly, have become quickly disillusioned with the Revolutionary government in its failure to carry the abolition to its proper end.

## CONCLUSION

In 1760 Voltaire's reputation rested on his success as a man of letters with varied talents. His literary works, rarely without contemporary social observation, cover an immense variety of subjects in many genres. They bear the mark of commitment. Thus, he transformed the function of tragedy. In this respect he was far in advance of his contemporaries who until the 1750's conceived tragedy as designed to create emotion, but not to express contentious thought. Brutus (1730), for example, is an early examination of republicanism and of the republican form of government, a topic in which Voltaire was interested throughout his life but which he discarded as impracticable for any but a small nation or city-state. In Mahomet (1740) he criticizes religious fanaticism and Irène, his last tragedy, is on the subject of peace.

Voltaire's epic poem, Poème de la Ligue (1723), had its beginnings in the Bastille. It is based upon the life of Henry IV and the events surrounding the massacre of Protestants on St. Bartholemew's Day, August 24, 1572. The poem is an eloquent attack on religious intolerance, l'infâme of later years, and was

enlarged and published with the title of La Henriade after five years of government prohibition. Pomeau described Voltaire's reputation following the publication of La Henriade in the following manner:

"On attendait le successeur de  
Racine, on soupirait après un  
Virgile français."<sub>1</sub>

Although an epic poem, La Henriade revealed early Voltaire's interest in history and in the great men who decided its course. His Histoire de Charles XII is a somewhat passionate portrait tempered with the understanding of the subject's failings. Pomeau points out that Voltaire's histories are more successful than his historical tragedies because the protagonists of the former are more heroic, in the epic sense, than any characters the author could himself have invented. History itself, Pomeau continues,

"lui fournissait les détails et le  
rythme vital qu'il ne sait pas  
inventer dans ses actions tragiques."<sub>2</sub>

In his treatment of historical personages, Voltaire ignores stories of superhuman feats and bravery on the part of his heroes, a practice so usual at the time, but concentrates on personality. His history is basically the history of great men; it is they who decide the course of events and not the reverse. Louis XIV created a France which reflected his personality, Peter the Great acted



similarly in Russia, and Charles XII of Sweden is shown as having weakened his country through military adventure. The man counts for all, the people for tools in the events created by the man.

Voltaire left few topics unexamined. He theorized on science and metaphysics, which at the time were closely associated, on Locke, Newton and Pascal. He condemned religious and social abuse wherever he saw it, and often where he did not. He discussed war and hated it; poked fun at ministers and sometimes paid for it and possessed an opinion on all topics and remained unafraid to state it. And yet, for all this, he was still a man of thought; not until the 1760's did this man of reflection turn to direct action.

His reputation as an artist made, Voltaire had no need to cement the fame in the defence of often hopeless causes. Yet he did, and just as often successfully as not. Theodore Besterman describes Voltaire as

"the first great man of letters who used his fame and literary skill in the active promotion of his social convictions."<sup>3</sup>

He was the first to manipulate public opinion to the achievement of a concrete end, the first, perhaps to prove that such a phenomenon even existed. This phenomenon was to become "the touchstone of all government, even the most dictatorial."<sup>4</sup> The public opinion he shaped with so much skill redeemed Calas and La Barre and triggered the promulgation of the Edict of 1779.

It is true that the basis of his arguments against serfdom at Saint-Claude was one of humanitarian principle. Unlike P.-F. Boncerf, who considered serfdom to be contrary to the laws of social utility, Voltaire believed with all his heart that the cruelties and injustices resulting from that institution were an affront to humanity. This humanity, he believed, is inherent in every man, but is often obscured by the temptations of power and money. He campaigned on legal, historical and utilitarian grounds with the realization that the monks would probably not be touched by the humanitarian sentiments he held so dearly.

Voltaire's "warm heart"<sup>5</sup>, however, was always guided by his rationalism. Theodore Besterman wrote that

"it would not have been a merit in Voltaire to have loved justice with his heart rather than his head, nor did he."<sup>6</sup>

Since he believed in the inherent goodness of men, a goodness guided by rationality, injustice must, therefore, be the result of a lack of rationality. Goodness beget goodness in return and its abundance would make for a more just society for all.

The campaign for the Jura serfs contains all the principle elements of Voltaire's philosophy and beliefs: his faith in an absolute but beneficent monarch, his notion of the equality of men, his hatred of intolerance, his confidence in himself and in the ability of society

to improve itself, but, above all, his love for humanity. This is the quality in which Voltaire placed his faith, by which he lived and with which his memory will forever be associated.

In one respect, the most immediate, Voltaire's campaign to emancipate the Jura serfs was a dismal failure. He died in 1778, the serfs still chained to the land as they had been for four hundred years. The Benedictine Order of Saint-Claude showed no intention of relenting in their mediaeval treatment of the serfs, nor would they. Nor did Voltaire's campaign have any direct influence on the abolition of serfdom which took place in 1790. What fruits can there be then, from such a seemingly barren enterprise to which Voltaire devoted so much of the last eight years of his life? At first glance, there were none, except perhaps the Edict of 1779, enfeebled from its promulgation by the crown's admission of its inability to secure the general abolition of serfdom in France. In the final analysis, however, the campaign cannot be regarded as a struggle between serf and seigneur. It was part and parcel of a growing humanitarian movement which was quickly winning support in France, indeed, in most of Europe, towards the end of the eighteenth century. Voltaire may well be regarded as a major force in this movement, since from the 1760's his campaigns constituted an important element in the

dissemination of humanitarian sentiment. This feeling, having become widespread in France by the late 1780's was a major element of the social atmosphere which existed when the Revolution erupted. The notions which Voltaire upheld, the equality of men, man's natural right to freedom and the isolation of the church from state affairs, became principles, if not practices during the early years of the Revolution.

Voltaire's campaign for the serfs cannot be regarded in any way, however, as an element of cause in the Revolution. It is, nevertheless, typical of his activities during the two decades before his death, activities for which he was fondly remembered during the early 1790's. The honours accorded him during that time are a testament to the high esteem in which he was held by many revolutionaries.

Renée Waldinger, in her book Voltaire and Reform stresses repeatedly the credit given to Voltaire by the early revolutionaries themselves. Some even went as far as to claim that

"Voltaire consciously and with great courage sowed the seeds of the Revolution."<sup>7</sup>

Voltaire's works were undoubtedly interpreted to fit this view but the notions of liberty and equality obvious in much of the author's work could not be overlooked. The

fact that Voltaire believed strongly in the monarchy and saw the role of the philosophers as one of enlightening the Monarch was simply not seen, or was ignored.

Waldinger goes on to say that

"Voltaire (had) never advocated a republican government for France. Yet ... the principles of liberty, equality before the law, freedom of religion, of speech and of expression, security of person and property, (are) all principles which were advocated and popularized by Voltaire..."<sup>8</sup>

Those interpreting Voltaire at that time, however, were doing so after the fact of the Revolution. It would be impossible to gauge how Voltaire had influenced the outbreak of the Revolution, if he had at all. The only certainty is that the outbreak of revolution did influence the interpretation of Voltaire.<sup>9</sup>

What place then, does the campaign hold in the tableau of the Age of Enlightenment? It may be seen as an event illustrating the character of the age: the discarding of mediaeval beliefs and institutions, religious, political and social. Perhaps its failure proved that French society, as it existed at the time of Voltaire's death, was not capable of breaking these chains from within and would have to undergo the forcible and often unwelcome changes from without. These forces would make of France something which would have been unrecognizable and, one suspects, intolerable to Voltaire.

## CHAPTER I: FOOTNOTES

<sup>1</sup> J.Q.C. Mackrell, The Attack on 'Feudalism' in Eighteenth Century France Toronto: 1973, p. 110.

<sup>2</sup> Voltaire, Correspondence editor: Theodore Besterman, Geneva: 1970, D18067.

<sup>3</sup> As from 1767, Voltaire corresponded with Stanislas II of Poland, urging him with customary forcefulness to abolish serfdom in his realm. The partition of Poland in 1772 brought this aspect of the campaign to an end.

<sup>4</sup> Serfdom was abolished in Savoy by King Charles Emmanuel in 1762, although it was not until 1771 that all seigniorial rights were eliminated there. Voltaire made great use of this fact as an example to the French that abolition could be successful.

<sup>5</sup> Mackrell, p. 109.

<sup>6</sup> Owen Aldridge, Voltaire and the Century of Light Princeton: 1959, p. 339.

<sup>7</sup> Charles Frédéric Gabriel Christin was born on May 9, 1744 in Saint-Claude. He became mayor of the town in the 1780's and died in a fire which gutted the town in June of 1799. Many of the documents concerning the case of the Jura serfs were destroyed with him.

<sup>8</sup> Correspondence D17826.

<sup>9</sup> Ibid, D16766.

<sup>10</sup> Mackrell, pp. 164-166.

<sup>11</sup> Ibid, p. 164.

<sup>12</sup> Ibid, p. 165.

13 It will be seen, however, that serfdom was abolished in name only. Most of the rights appertaining to it continued to be exercised under new names and this state of affairs went on until the agricultural reforms of the 1880's.

14 Voltaire, Oeuvres complètes Paris: 1880, vol. XXVIII, p. 369.

15 Voltaire had already written extensive historical biographies of Charles XII of Sweden and of Louis XIV.

16 Mackrell, p. 30.

17 Ibid, pp. 35-6. This indeed a very sketchy history of feudalism, but it is intended only as a guide. The dates are my own and are approximate.

18 Oeuvres, XXIX, p. 361.

19 Ibid.

20 Correspondence, D17533.

21 It was he who captured Joan of Arc and sold her to the English. He lived from 1396-1467.

22 Mackrell, p. 36.

23 Oeuvres, XXVIII, p. 355.

24 Mackrell, p. 36.

25 Oeuvres, XXVIII, p. 355.

26 Ibid, XV, p. 426.

27 Mackrell, p. 2.

28 Ibid, p. 52.

29 Mackrell, pp. 51-52.

30 Ibid, p. 11.

31 The abuses and very existence of seigniorial justice, the right of a lord to hold court and pass judgement in criminal cases, was one of the major grievances set out in the Cahiers of 1789.

32 Despite what Voltaire says, there were many monks who favoured abolition. The Abbé Clerget, Voltaire's successor of the 1780's, is one, for example.

33 Webster's Dictionary, Toronto: 1969.

34 Oeuvres, XV, p. 427.

35 France was not to receive a uniform code of law until the time of Napoleon, some thirty years after Voltaire's death.

36 As a sign of overlordship and servitude, quoted by Mackrell, p. 117.

37 Mackrell, pp. 117-118.

38 Oeuvres, XV, p. 427.

39 Despite the ban on birth control, it was practised, induced miscarriage being the most common method. These often led to the death of the mother.

40 France was the most populous nation at that time, having a population of about twenty-five million.

41 Correspondence, D18587.

42 Oeuvres, XXVIII, p. 567.

43 Oeuvres, XVIII, p. 300.

44 Mackrell, p. 120.

45 Oeuvres, XV, p. 593.



46 Ibid.

47 Ibid.

48 It is suspiciously coincidental that Voltaire's notary, Pierre François Nicod, and the surgeon of this episode possess the same name.

49 Oeuvres, XXVIII, p. 370.

50 Correspondence, D17150.

## CHAPTER II: FOOTNOTES

<sup>1</sup> Voltaire's italics. His quotation is from Zaïre Act I, scene i.

<sup>2</sup> Correspondence, D17106.

<sup>3</sup> Mackrell, p. 110.

<sup>4</sup> The following is a list of Voltaire's works on the subject of the serfs:

"Au roi en son conseil" (1770), "Nouvelle requête au roi en son conseil" (1770), "Supplique des serfs de Saint-Claude" (1771), "La Voix du curé" (1772), "Extrait d'un mémoire" (1775), "Supplique à Turgot" (1776), "Lettre du R.P. Polycarpe" (1776), "Lettre d'un bénédictin de Franche-Comté" (1776), and "Requête au roi pour les serfs de Saint-Claude" (1777).

<sup>5</sup> Oeuvres, XVIII, pp. 604-606.

<sup>6</sup> The full title of the work by Voltaire and Christin is Dissertation sur l'abbaye de Saint-Claude, ses chroniques, ses légendes, ses chartes, ses usurpations et sur les droits des habitants de cette terre (1772).

<sup>7</sup> Voltaire states in letter D17416 of October 21, 1771, to the Count d'Argental, that he himself burned many of his papers.

<sup>8</sup> Correspondence, D17106.

<sup>9</sup> Voltaire's most consistent estimate of the number of serfs at Saint-Claude is twelve thousand and this is the most accurate. The estimate does climb to fifteen thousand, however, in at least three letters D18033, D17259, and D17303, and reaches twenty thousand in at least one, D17222.

10 Correspondence, D17103.

11 Ibid, D17046.

12 The first pair of silk stockings manufactured under Voltaire's direction at Versoix was presented to the Duchess de Choiseul in return for her patronage and as a means of advertising his product. They were apparently of extremely high quality.

13 Correspondence, D16635.

14 Ibid, D17309.

15 Barthélémy, Charles, Erreurs et mensonges historiques Paris: 1875, p. 204.

16 Oeuvres, XVII, p. 450.

17 Barthélémy, p. 192.

18 Oeuvres, I pp. 266-267.

19 Oeuvres, XXX p. 339. Voltaire probably invented the phrase but gave Louis X the honour of having said it.

20 Ibid, XV p. 426.

21 Ibid, XXVIII p. 355.

22 Another issue in which Voltaire was interested was the affair of the serfs of Chézéry which had been a province of Savoy until 1760, when an exchange of land made it a part of France. These serfs would have been free men if Chézéry had remained in Savoy, since serfdom was abolished there in 1762. Voltaire felt that they deserved their freedom on these grounds alone. See Correspondence, D19946 and Oeuvres, XXX p. 333.

23 Oeuvres, XV p. 427.

24 Ibid, p. 428.

- 25 Ibid.
- 26 Ibid, p. 594.
- 27 Ibid, I p. 266.
- 28 Ibid, XXVIII p. 356.
- 29 Correspondence, D19602.
- 30 Oeuvres, XXVIII p. 358.
- 31 Ibid, p. 360.
- 32 Correspondence, D16691.
- 33 Oeuvres, XXVIII p. 407.
- 34 Ibid, p. 359.
- 35 Ibid, p. 360.
- 36 Correspondence, D19493.
- 37 Ibid.
- 38 Oeuvres, XXVIII p. 351.
- 39 Correspondence, D16691.
- 40 Mackrell, p. 53.
- 41 Ibid.
- 42 Sagnac, P., La Législation civile de la Révolution française, 1789-1804 Paris: 1898, p. 23; in Mackrell, p. 135.
- 43 Mackrell, p. 134.

- 44 Boncerf, P.F., Les Inconvénients des droits féodaux London: 1776, p. 21; in Mackrell, p. 134.
- 45 Mackrell, p. 135.
- 46 Lettres philosophiques London: 1970, ed: Taylor, p. liv.
- 47 Voltaire, Lettres philosophiques London: 1970, ed: Taylor, p. 28.
- 48 Ibid.
- 49 Ibid, p. 30.
- 50 Oeuvres, XVIII p. 371.
- 51 Mackrell, pp. 139-140.
- 52 Oeuvres, XVIII pp. 371-372.
- 53 quoted by Mackrell, p.141
- 54 Correspondence D15363
- 55 Voltaire believed that happiness on earth should be one of man's goals in life.
- 56 Correspondence, D17001.
- 57 Ibid, D15363.
- 58 Ibid.
- 59 Oeuvres, XVIII p. 593.
- 60 Ibid, XVII p. 567.
- 61 Ibid, XVIII p. 360.
- 62 He who possesses bad faith cannot prescribe to the church.

63 "Il" refers to Dom Titrier, a monk with a knowledge of canon and seigniorial law who travelled across Europe with the argument that titles given to certain religious orders were of divine right and therefore irrevocable.

64 Correspondence, D17361.

65 Mackrell, p. 127.

66 Cancelled

67 Maynard, I. p.466

68 Correspondence, D17533.

69 Oeuvres, XXII p. 422.

70 Mackrell, p. 109.

71 Correspondence, D17182.

72 Mackrell, pp. 105-106.

73 Ibid, p. 107.

74 The full title of the Collection was Collection des mémoires présentés au roi contre le chapitre de Saint-Claude Neuchâtel: 1772.

75 Mackrell, p. 108.

76 Oeuvres, I p. 267.

77 Ibid, XVIII p. 605.

78 Correspondence, D19602.

79 Mackrell, p. 132.

## CHAPTER III: FOOTNOTES

- 1 Christin, Collection des mémoires Geneva: 1772, p. 155.
- 2 Correspondence, D16433.
- 3 Guizot, M., The History of France New York: 1876, Vol. V, p.161.
- 4 Oeuvres, XXVIII, p. 372.
- 5 Collection des mémoires, p. 155.
- 6 Ibid, p. 159.
- 7 Ibid, p. 160.
- 8 Correspondence, D18021.
- 9 Christin, Dissertation, pp. 13-14.
- 10 Correspondence, D18015.
- 11 Oeuvres, XXVIII, p. 567.
- 12 Mackrell, p. 115.
- 13 Ibid, p. 117.
- 14 Ibid, p. 115.
- 15 Oeuvres, XXVIII, p. 567.
- 16 Saint Louis was Louis IX, king of France from 1226 to 1270. He was canonized in 1297 for his piety and for his initiation of and participation in the Sixth Crusade.

17 Christin writes in the Dissertation, page 13,  
of a similar visit made to Voltaire at Ferney in the spring  
of 1770.

- 18 Mackrell, p. 115.
- 19 Oeuvres, XXVIII, p. 333.
- 20 Collection des mémoires, p. 157.
- 21 Correspondence, D19624.
- 22 Ibid, D19627.
- 23 Ibid, D20983.
- 24 Oeuvres, XXVIII, p. 351.
- 25 Ibid.
- 26 Ibid, XV, p. 426.
- 27 Ibid, XVIII, p. 352.
- 28 Ibid, p. 351.
- 29 Mackrell, p. 51.
- 30 Ibid, p. 52.
- 31 Mackrell, p. 54.
- 32 Ibid.
- 33 Ibid, p. 56.
- 34 Ibid, p. 57.
- 35 Ibid, p. 108.
- 36 Ibid, p. 107.
- 37 Ibid.



- 38 Ibid, p. 146.
- 39 P.-F. Boncerf, La Plus importante et la plus pressante affaire (1788) p. 41 in Mackrell, p. 149.
- 40 Mackrell, p. 165.
- 41 Ibid, p. 160.
- 42 Ibid.
- 43 Ibid, p. 129.
- 44 Ibid, p. 116.
- 45 Ibid.
- 46 Ibid.
- 47 Ibid, p. 112.
- 48 Barthélémy, p. 199.
- 49 Quoted from L'Année littéraire, Vol. VI (1782) in Barthélémy, p. 200.
- 50 Florian, "Voltaire et le serf du Mont-Jura" in Barthélémy, p. 201.
- 51 Cancelled
- 52 Ibid, p. 128.
- 53 Ibid, pp. 128-9.
- 54 Ibid, p. 129.
- 55 Ibid, p. 130.
- 56 Ibid, p. 174.

57 Ibid.

58 Ibid, pp. 176-7.

## CONCLUSION: FOOTNOTES

<sup>1</sup>René Pomeau, Voltaire par lui-même Paris: 1955,  
p.16.

<sup>2</sup>Ibid, p.17.

<sup>3</sup>Theodore Besterman, Voltaire New York: 1969,  
p.539.

<sup>4</sup>Ibid.

<sup>5</sup>Charles Vereker, Eighteenth-Century Optimism  
Liverpool: 1967, p.119, in Besterman, p.540.

<sup>6</sup>Besterman, p.540.

<sup>7</sup>Renée Waldinger, Voltaire and Reform in the Light  
of the French Revolution Paris: 1959, p.82.

<sup>8</sup>Ibid, p.84.

<sup>9</sup>Waldinger claims, p.83, that Voltaire's lack of  
popularity in England during the 19th century was due to  
a great extent to this misinterpretation or, rather,  
misapplication of Voltaire's notions.

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