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Revolution and Crisis

The adoption of the Federal Constitution on September 14, 1787 by the *Constitutional Convention* in Philadelphia and the successful—even if controversial—ratification of the document in the single states brought the American Revolution to a formal close.¹ At the same time, however, the “revolutionary-constitutional spirit” had already infected Europe and one country in particular: France. It was in the French Revolution that the radicalization of justifications for the organization of politics and society, and the replacement of traditional by new forms of political legitimacy—characterized by a language of “political suitability”—came to a climax.

2.1 The French Revolution: Sovereignty, Legitimacy and Radicalism

Perhaps the most fundamental single question dominating the debates of the French Revolution, which can reasonably be said to have begun on July 5, 1788, when King Louis XVI agreed to summon the Estates General (*États généraux*), was that of the definition of the “nation”, to which the government was accountable. This question was answered in a both systematic and radical way in the most celebrated pamphlet of the period: Abbé Sieyès’ *Qu’est-ce que le Tiers-Etat?*²

In “What is the Third Estate?”, Sieyès expanded his earlier criticism of the traditional social order to a fundamental condemnation of the *Ancien Régime* as such and offered a new definition of “nation” and “sovereignty”, which became the manifesto of the French revolutionary movement. According to Sieyès, the essence of the nation was based on the equality of citizens and the universality inherent in their exercise of a common will, thus reflecting two key premises of the American Revolution. For Sieyès, anyone who refused a common civic status automatically excluded himself from the political order. Therefore, in order to guarantee one general will, the three existing estates had to be abolished in favor of one common representation of the nation, symbolized by the Third Estate which up until then had been neglected: “What is the Third Estate? Everything. What has it been hitherto in the political order? Nothing. What does it desire? To be something.”³

What Sieyès essentially did was to establish *la Nation* as a primordial political reality and invent a radical doctrine of national sovereignty clearly following from Rousseau’s rhetoric of “popular sovereignty”, but also marking a significant departure:

whereas Rousseau had interpreted representation as a feudal legacy inconsistent with the exercise of the general will, Sieyès saw representation as the quintessence of modern government. In both cases, however, constitutionalism was clearly subordinate to the principle of “popular” and “national sovereignty”, respectively. For Sieyès, as for Rousseau before him, rule could only be legitimized by the people, this purpose dictating the constitution. According to this understanding, the nation also exists without a constitution and is—as *pouvoir constituant*—always set higher than the constitution: it is the nation that distributes and limits power, but above all safeguards its own fundamental rights.

The Constitution of 1791⁴ reflected Sieyès’ doctrine of unrestricted popular sovereignty coinciding with a highly hierarchical view of powers, not fundamentally different from the *Ancien Régime*: a nation absolute in its sovereignty was now at the top, taking the place of the former absolute monarch, whose rule had been based on the fundamental claim that “the sovereign power in his kingdom belongs to the king alone”.⁵ French revolutionary constitutionalism had shifted away from the idea of “popular sovereignty” and “separation of powers” prevalent in the American Revolution. There, both doctrines were interpreted in a rather restrictive and “protective” way. Remembering the powerful English legislature, the revolutionary elite in America considered a legislature unlimited in its power as the greatest danger to liberty. Separation of powers was therefore conceived as a system of mutual monitoring by each branch of government and as a means of preventing unrestricted majority rule. Thus, the dogma of popular sovereignty remained subservient to the principle of separation of powers and the idea of “limited government”.⁶ In France, the situation was quite the opposite, and separation of powers subordinated to popular sovereignty; there, historical experience dictated that the power of the executive be limited and the controlling power of the people strengthened. Separation of powers was therefore introduced to check an otherwise dominant executive through an even more powerful legislative.⁷

Yet no systemic stability derived from the Constitution, quite the contrary: with war beginning and extreme forces coming to the fore in the National Assembly, the French “republican monarchy”⁸ established in 1791 soon proved to be unworkable. Among the main reasons for the failure of the first written French constitution was the unsolved problem of closing the gap between the claim for popular sovereignty and its representation; that is, who should actually represent the general will and translate it into actual policies.

On account of this ambiguity, the political thought of the Revolution became increasingly radicalized and the constitutional monarchy finally destroyed. The erosion of the monarchy, ultimately resulting in its abolition, was effectively accompanied by the progressing symbolic destruction of traditional kingship during the early years of the Revolution. The political imagination that solemnity and authority of state and nation were inseparably linked to and represented by the person of the king had long suffered under the influence of the Enlightenment.⁹ From 1789 onwards, the delegitimization of (absolutist) monarchical rule accelerated dramatically, with the dismantling of divine-right monarchy taking place at multiple levels. Under the new Constitution, for example, the king was no longer addressed as “King of France and Navarre” (*Roi de France et de Navarre*), but “King of the French” (*Roi des Français*), thus

making the reversal of claims for sovereignty obvious. No less important than the political-institutional disparagement was the people's symbolically taking possession of the monarch. When the royal apartments in the Tuileries were invaded by an armed populace on June 20, 1792, who forced the King to put on the *bonnet rouge* with the tricolor national cockade, Louis XVI was no longer a "ruler", nor even a "king of the people", but a powerless puppet at the mercy of the new sovereign.

Considering the symbolic demystification of king and "monarchy", the suspension of Louis XVI in August 1792 followed by his dethronement and the proclamation of the Republic in September appear somewhat inevitable. At this stage of the French Revolution it was no longer necessary for nor even desired by the political actors to follow a legalistic argument for this radical regime change. This made the events of 1792 distinct not only from the Glorious Revolution of 1688, but also from the American Declaration of Independence. In the latter case, the American Continental Congress in 1776 had at least justified the deposition of George III by legal arguments. In contrast, the French Legislative Assembly based its decision to suspend the king and call for a new constituent assembly on August 10, 1792 on far more general considerations such as "the dangers to the fatherland" and the "suspicions that the conduct of the head of the executive authority has aroused".¹⁰ Clearly, a new criterion of legitimacy was developing, oriented primarily towards political rather than juridical reasoning: a criterion which was to become a characteristic feature of the nineteenth century and the concept of Caesarism in particular. For a ruler to be accepted by his subjects, more was needed than legalistic behavior. He also had to live up to certain expectations of "good" and "appropriate" policies, which might vary over time. In the critical situation of 1792, Louis XVI had obviously not managed to meet such expectations.

The overthrow of the constitutional monarchy by the "Second Revolution" of August 10, 1792¹¹ marked the beginning of a dramatic radicalization of the political and social sphere in France. Legal and moral arguments were almost entirely replaced by reasoning in terms of "political will" and "reign of virtue". Under the aegis of Maximilien Robespierre (1758–1794), a *de facto* dictatorship was set up by the Jacobins, the central organ of which was the Committee of Public Safety (*Comité de salut public*) founded on April 6, 1793. Established as the unchallenged executor of the popular will and considering itself to be an "emergency government" in a national crisis, the Committee not only postponed the enactment of the constitutional draft of June 24, 1793,¹² which had been ratified by popular vote in early August, but also suspended the rights guaranteed by the 1789 Declaration of the Rights of Man and of the Citizen. The Committee members reasoned that the *terreur* had to be continued relentlessly until the final victory over the Revolution's enemies, both foreign and domestic. Accordingly, thousands of executions against real and supposed enemies of the young Republic were carried out, while anti-revolutionary resistance—flaring up all around the country—was suppressed with utmost brutality.

In view of sustained terror and unrest in the country, domestic opposition against the Jacobins' rule grew, as was the demand for stable government and legal security. Shortly after the decisive victory over the Coalition Army at the Battle of Fleurus (June 26, 1794), Robespierre together with other radical revolutionaries was overthrown by the Thermidorian Reaction on July 27 (9 Thermidor).

Due to the negative experience of Jacobin rule, radical democratic concepts had lost much of their appeal. The new political rulers had no interest in enforcing the Constitution of 1793, and therefore initiated a new constitutional draft which entered into force in August 1795 ("Constitution of the Year III"). It was more conservative than its abortive predecessor and established a liberal republic with a franchise based on the payment of taxes, similar to that of the first French Constitution of 1791; a Constitution which it shared other important systemic similarities, too, despite the abandonment of unicameralism in favor of a bicameral system.¹³

Constitutional practice, however, soon proved to be sobering. Like its predecessor of 1791, the new Constitution failed to create any kind of durable constitutional stability. Though realizing the acute dangers of unrestricted popular sovereignty when carried to its extremes, the Thermidorians' attempt to find a solution was not promising: instead of reducing the omnipotence of the state, they tried to reduce the omnipotence of the people by introducing bicameral legislation and restricting suffrage. All they achieved was to create a disequilibrium of power which resulted in the renewed dominance of the executive branch. The four years of the Directory,¹⁴ which tried to steer a course between conservative and radical-revolutionary aspirations, was a time of chronic disquiet. Continuous conflict between the directors and the chambers, but also within the executive, widespread corruption among the members of the directorate, and general maladministration as well as persisting legal uncertainty and arbitrariness heightened the unpopularity of the government, which was only able to maintain its power with the active support of the army.

Even by the second half of the 1790s, the state of exception and emergency, with which revolutionary France had been confronted since the late 1780s, was anything but over. This was manifest in the continuous wars against other European powers as much as in the continued incapacity to establish a durable political and institutional order domestically. Under such circumstances it is no wonder that the call for a stabilizing factor became louder, especially after new electoral success for the Jacobins in 1799 heralded another radical rule of the chambers. What was at stake was nothing less than finding a way out of the fundamental crisis, in which the Revolution found itself *en permanence*.

The challenge of the time was striking a balance between "liberty" and "order"; or, to put it another way: to continue the Thermidorian Reaction in a more sustainable way than the Directory had been able to do. Paying tribute to the legacy of the Revolution essentially meant preserving the tangible socio-economic improvements a considerable part of French society had enjoyed since 1789, but also acknowledging the Revolution's core political principle of popular and national sovereignty. What had in fact shaped the French Revolution during all its phases from 1789 onwards was the doctrine of the absolute sovereignty of the people and its *pouvoir constituant*. To subscribe to these principles in one way or other was hence the *conditio sine qua non* for every political regime claiming to be "progressive" and keen to distance itself from traditional forms of political legitimacy personified by monarchists and reactionaries at home and abroad. It was in this particular context that Napoleon Bonaparte achieved power and that the debate about a "new Caesar", which had started almost immediately after the outbreak of the Revolution, moved to the center of political discourse.

Before turning to Napoleon Bonaparte and examining the political regime that was to become lastingly associated with his name (“Bonapartism”; “Napoleonism”), it may be worthwhile to briefly explore in more abstract terms the “Dilemma of the Revolution” as a project of radical change, out of which the quest for strong personalized leadership and a “new Caesar” developed its dynamics at the end of the eighteenth century.

2.2 The Dilemma of the Revolution and the Quest for Leadership

While utopianism and progressivism helped to intellectually propel the “project of modernity” from the Middle Ages onwards, it was revolutionary activism which finally guaranteed “modernity” its political breakthrough and helped to anchor it as the age of ideologies and secularization in the collective consciousness. The “Great Revolutions”¹⁵ and the French Revolution in particular were characterized by a radical change of political organization, marked by the removal or fundamental reformation of existing forms of rule and culminating in new political rules, symbols, and sources of legitimacy. The attempt to renew the body politic along the lines of certain ideas of a “just” body politic to allow the people to participate in politics as present in the Great Revolution(s) was nothing entirely novel. What was new, however, was linking these recurrent protest themes with specifically “modern” elements such as the belief in progress, argued to be “universal”, or the claim for unrestricted access to the center of political power. What was innovative, too, was combining such themes with general utopian visions of political and social renewal regarded to be politically possible; visions that—intellectually prepared by the cultural project of the Enlightenment—were often propagated with missionary zeal.

Running parallel to changing patterns in what was politically acceptable and desirable was a far-reaching downgrading of established concepts of legitimacy. Tradition and the idea of an “authority of the past”, which had long served as a regulator for social change, were replaced by “renewal” as a cultural orientation benchmark and the decisive component of legitimacy, thus fundamentally changing the character of politics: it was no longer possible to found rule exclusively upon faith in what previously existed;¹⁶ political institutions were now forced to assert their legitimacy by continuous activism and innovation. In point of fact, the more rational and economic the understanding of political institutions was, the more replaceable the rulers became if they did not meet public expectations. The destiny of Louis XVI was a highly instructive example in this respect.

This was a favorable situation for new political elites to assume power, and especially leaders disposing of what was later to be termed “charisma”; leaders who due to their sheer strength of personality and the extraordinary abilities ascribed to them might seem to fulfill the kinds of expectations created by the Enlightenment and the Revolution. Full of utopian-visionary vigor, they personified the aspirations of the “new era” and promised to fill at least partly the vacuum created by the supersession of the transcendental God. Susceptibility to monocratic leadership in general was favored by the fact that—despite the universalization of the principle of popular sovereignty—the centuries-old experience of rule by one was too pervasive to be

replaced *in toto*. This was all the more the case due to the pragmatic reasoning that the decision-making procedure was faster if made by an individual than by a group: an argument particularly important in a period of domestic tumult and foreign-political danger.

The desire for a “hero” and “saviour”, representing revolutionary principles and dynamism but holding out at the same time their finality had existed before Napoleon’s rise to power. Since 1790 demands for an end or at least a stabilization of the Revolution had increasingly set the tone of political discourse.¹⁷ Given that the figure of the traditional monarch was ousted as a political alternative, while the desire for a “personification of power” was still manifest, the dilemma now was how a collective and sovereign “nation” could be personified by an individual. One potential solution to this dilemma was the blueprint of Roman Caesarism, reflecting a remarkable change in the perception of the historical figure and political deeds of Julius Caesar.

For many centuries—with the history of the Greek and Roman world continuing to be an ever-present point of reference, furnishing a storehouse of symbols, allegories, arguments and archetypes—*Caesar* had always aroused strong feelings among intellectuals. Some of these feelings were laudatory; but over time another discourse became dominant, namely that of political “republicanism”, envisaging Caesar as a historical symbol for some of the most dangerous tendencies a polity could experience.¹⁸ In the context of republican depiction from the early fifteenth to the end of the eighteenth century, Caesar was repeatedly summoned as the gravedigger of the Roman Republic. Structural fissures in the Republic had provided him, and to a slighter extent precursors such as the Gracchi brothers or Marius, with opportunities which had been exploited rigorously.

Caesar’s conduct was used time and again to illustrate the contrast to actions motivated by true republican values and, above all, political liberty, envisaged as freedom from tyranny and the right to take an active part in political decision-making. Both Niccolò Machiavelli (1469–1527) and Francesco Guicciardini (1483–1540) invoked the “detestable and monstrous” Caesar,¹⁹ and Montesquieu in the eighteenth century did not see much worthy of praise, particularly when comparing Caesar with other figureheads of the Ancient World such as Alexander the Great. While Caesar had sought monarchy as an ornament of ostentation, wishing to “imitate the kings of Asia”, and while the Romans had “conquered all in order to destroy all”, Alexander’s purpose had been “to conquer in order to preserve all”: “in every country he entered, his first ideas, his first designs, were always to do something to increase its prosperity and power.”²⁰ Montesquieu, however, was also able to identify the faults of republican government preparing the ground for a Caesar, namely the spirit of extreme equality which was not at all the true spirit of equality: where such a spirit prevailed, Montesquieu argued, a republic would open itself up to demagogues who “speak only of the people’s greatness.”²¹

However, envisaging him not only as an abominable tyrant marking a transformation of types of government, but also as a systemic product of ill-guided (republican) government, heralded a shift in the interpretation of Caesar, who could be seen as an example of syndromes to which all political systems were prone, perhaps even as a

“necessary evil”. Attempts to cast a slur on Caesar by emphasizing his misconduct and by contrasting him with “republican heroes” such as Cato the Younger continued to be prominent in England, America and France at the time of their revolutions, but by the eighteenth century the ground had been cleared for a more sympathetic assessment of Caesar’s accomplishments.²² This was particularly the case with respect to his role of guaranteeing order and lawfulness, actually an interpretation in line with some older tradition, according to which Caesar had imposed the discipline and sound government Rome required.

Facilitated by this change in perception it was even before 1789—with the legitimacy crisis of the *Ancien Régime* aggravating in view of enlightened philosophy, acceleration of social change in the wake of proto-industrialization, disintegration of the state, and the disruption of public finances—that the myth of a “new Caesar” gained ground.²³ For pre-revolutionary writers such as Anne-Robert-Jacques Turgot (1727–1781) and Simon-Nicholas Henri Linguet (1736–1794) the legitimacy of a new Caesar derived from the fact that he would leave the old (feudal) order behind and save society from civil war, based on the premise that a state of civil war was already latently evident.²⁴ The ways in which the “new Caesar” and his role were portrayed remained sketchy and inconsistent, though: for Turgot, the main task of the *chef d’état* was to assume a moderating role between antagonistic classes of society; Linguet, on the other hand, envisaged a radical concentration of power in the hands of a *bon roi*, advocate of the suppressed, who would fulfill the middle classes’ craving for a strong state order.²⁵ Yet despite the fact that appraisals of a “new Caesar” were certainly in the minority and found only limited public resonance, visions like those of Turgot and Linguet demonstrated that there was potential for a “popular dictatorship” based on the principles of progress and stability. At least at a theoretical level, the role of some kind of Caesaristic “saviour of society” had already been defined, even before the *Ancien Régime* plunged into the vortex of revolutionary upheaval.

It is against the background of a shifting “Caesar” discourse—hand in hand with the incremental development of a “negative great parallel” between the ancient and modern world²⁶—that observers of the time tried to make sense of the events of the French Revolution. Among them was Edmund Burke, whose critical analysis of the Revolution in his *Reflections on the Revolution in France*²⁷ soon became an object both of fervent admiration and animosity.²⁸ As early as 1790 he famously predicted that at the end of the war France would not only become a republic, but that a victorious general would seize unlimited power. In line with his central argument that the French Revolution had to end in disaster because it was based on abstract notions purporting to be rational but in fact ignoring the complexities of human nature and society, Burke anticipated that instability and disorder would make the army:

mutinous and full of faction, until some popular general, who understands the Art of conciliating the soldiery, and who possesses the true spirit of command, shall draw the eyes of all men upon himself. Armies will obey him on his personal account. [...] But the moment in which that event shall happen, the person who really commands the army is your master; the master (that is little) of your king, the master of your assembly, the master of your whole republic.²⁹

Burke's prediction was not only the result of the belief that the army was the only institution that would come out intact from revolutionary turmoil, but also of widespread historical analogy with ancient Caesarism: "dictatorship" in its ancient manifestation represented a potential and indeed familiar construct of rule which might bring about "personal rule". This element of the "negative great parallel" was often interlinked with the argument—common not only among conservative critics of the Revolution—that the very concept of republicanism was illogical or anachronistic under modern conditions, and the idea of "popular government" a mere chimera. In this vein, Joseph de Maistre (1753–1821) declared in his *Considerations on France* of 1796 that:

[...] the efforts of a people to obtain a goal are precisely the means that [Providence] employs to keep them from it. Thus, the Roman people gave themselves masters while believing they were opposing the aristocracy by following Caesar. That is the image of all popular insurrections.³⁰

The vision of dictatorial rule by a charismatic military leader raised fears, but expectations as well: no matter how unconstitutional the prospect of such rule might be *per se*, there was also hope that the temporary transfer of power to a "new Caesar" could secure the Constitution in the long term. This concept was close to what Carl Schmitt was later to characterize as "commissarial dictatorship":³¹ declaring a state of emergency in order to save the legal order. Based on the Roman precedent, Schmitt defended this type of dictatorship as a "crisis mode" of rule that would suspend legality solely for the protection of society at large and, once the danger was over, restore the *status quo ante*. Such a "commissarial" dictatorship stood in contrast to "sovereign" dictatorship, in which law was suspended not to save an existing Constitution, but to found an entirely new social and political order with unlimited powers for those ruling. From a legal-philosophical perspective, commissarial dictatorship is thus a vital means to provide endangered "normality" with the stability vital for the application and effectuality of law: dictatorship restores the unison between *Sein* ("Is") and *Sollen* ("Ought") by suspending the legal norm temporarily in order to allow for the *Rechtsverwirklichung* ("realization of law").

In the early period of the French Revolution, the man most likely to represent some sort of a "commissarial dictator" was Marquis de La Fayette (1757–1834), "hero of two worlds"³² with the status of a public idol. The Parisians adored him and his vision of a new and stable nation, with prosperity guaranteed by a constitution and the powerful National Guard under his command, and it was not just Mirabeau who claimed the mantle of a "modern-day Caesar" for La Fayette.³³ In the end, however, all speculation about La Fayette seizing power was unjustified: not so much due to insurmountable practical difficulties or the polemics of his enemies, but because of his personal reluctance to take the reins of state power into his own hands. La Fayette stunned friends and enemies alike in 1790 by rejecting the post of "national commander", which had been offered to him, just as he had rejected political power in the National Assembly before, declaring that nationwide control of the Guard would provide too much power for one man and risk replacing royal autocracy with a military autocracy.³⁴ Like his former American comrade in arms (and in many ways inspiring example) George

Washington (1732–1799), La Fayette, too, defied the temptation to seek the role of a “new Caesar”. In common with his American paragon, La Fayette was convinced that the principles of liberty, equality and justice could best be guaranteed by personal commitment to strict legalism and adherence to the existing constitution.

Maximilien Robespierre had fewer scruples about setting up a personal dictatorship. He had no reservations whatsoever in propagating the idea that the nation—torn apart by internal power struggles, (anti-revolutionary) riots and social conflicts—was in dire need of a firm hand. What Robespierre was able to offer was revolutionary ideology and rhetoric, the evocation of axiomatic “principles” and the warning of the “enemy”. Rule of “reason” and “virtue” by the *terreur* was the underlying principle of the Jacobin regime, which Robespierre combined with personal moral authority. The rule of the Committee of Public Safety had none of the characteristics of a commissarial dictatorship. Rather, Robespierre’s regime had clear features of “sovereign dictatorship”, to refer to Schmitt’s terminology, unlimited in its parameters and seeking to perpetuate itself, even if it used its power under the pretense of merely “temporary” circumstances. But the “charisma” of Robespierre—which was more the charisma of the revolutionary principle of reason than a genuine personal one³⁵—shattered the moment the domestic and foreign threat to the “revolutionary nation” attenuated. Under the auspices of “normalization”, the methods of his Reign of Terror were no longer acceptable in the pursuit of a legitimate political order, and in July 1794 Robespierre lost both power and life within a matter of three days.

The quest for a charismatic “saviour”, however, did not stop. This was all the more so since the Directory succeeding the *terreur* was far from capable of fulfilling such expectations: neither with respect to its character as a collective body, nor concerning the actual personality of its leaders and their policies, which caused widespread disappointment in the French public. At this very historical moment the conditions were favorable for a military leader with fewer personal scruples than a La Fayette, but a less radical agenda than Robespierre, to assume power: a chance, Napoleon Bonaparte eventually seized.

2.3 Napoleon Bonaparte: Saviour or Despot?

Hardly anyone in world history has attracted as much attention as Napoleon Bonaparte,³⁶ and the immense number of literary, artistic and scholarly works dealing with his life and heritage bears witness to this fact.³⁷ Up to the present day, the interpretation of Napoleon and his achievements is controversial and ranges from seeing him as the progressively-minded trailblazer for a modern Europe to characterizing him as nothing more than a power-hungry and egomaniacal despot. However, no matter how much views may differ over Napoleon’s character—the followers of “The Man of Destiny” and the “tragic exile of St. Helena” camps clashing with the “sheep-worrier of Europe”, “Corsican Ogre” and “talented thug” schools of thought—, one personal quality is rarely questioned even by critics: his skills as a leader and as a virtuoso of power.

What is of interest here is not whether Napoleon is a person to be admired or despised, but the question as to the foundation stones and instruments of his regime

later termed “Napoleonism” or “Bonapartism”, and how his rule was interpreted by contemporaries. Let us first turn to Napoleon’s rise to power and his—and his regime’s—legitimization strategies and self-display.

2.3.1 Rise to Power, “Great Parallel” and Legitimacy

“Men of genius are meteors destined to be consumed in illuminating their century”, wrote the then as yet unknown Napoleon in 1791,³⁸ but it was not until his first military victories as commander in charge in Italy that Napoleon started to think of himself as one of them.³⁹ By then, Napoleon had moved on from a supporter of Robespierre,⁴⁰ after whose fall he had been briefly imprisoned, to become a protégée of the most powerful man in the Directory, Barras, whose confidence he had gained after the suppression of the royalist revolt on 13 *Vendémiaire* (October 5, 1795).⁴¹ The successful Italian Campaign, resulting in the Treaty of Campo Formio in 1797, which guaranteed the French “Sister Republics” in Italy, extended the borders of France up to the Rhine, the Nette and the Rur and rang in the collapse of the First Coalition, marked the beginning of the “legend” of Napoleon. His military, diplomatic and administrative achievements had made him not only a public hero, but an influential figure in French politics, too. Even the less fortunate course of the Egyptian expedition could not lastingly damage his reputation as the “undefeated general” and “peacemaker”, which was also due to the fact that Napoleon continued to demonstrate his talent as a master of propaganda. Even in February 1797 he had launched the Parisian *Le Journal de Bonaparte et des hommes vertueux*, whose title could be seen as a challenge to the moral character of the government itself and bore testimony to Napoleon’s growing confidence. The foundation of the *Courrier de l’Armée de l’Italie ou le patriote français à Milan* and *La France vue de l’armée d’Italie* followed a couple of months later: ostensibly for the troops, but widely circulated in France as well, serving as a vehicle for praising Bonaparte and conveying his political ideas to the larger audience back home.⁴²

In view of Napoleon’s growing popularity, together with his rising political clout, it was long before the events of 18 Brumaire that contemporaries regarded him as “the man to be”: not only observers in France, but also abroad, including the German writer Christoph Martin Wieland (1733–1813). In 1777 Wieland had already vindicated a “natural” right to rule for the most vigorous in a body politic, arguing that human nature was characterized by an “innate instinct to recognise that one as our natural superior, leader and ruler and be willingly guided and mastered by him, whose authority we feel”.⁴³ He viewed hereditary monarchy as the most gentle and indeed most common form of such authority, but not the only one. Human history and particularly periods of civil war had proved over and over again that there was always a man making his way to the top of the political order, for which Caesar and Cromwell were mentioned as historical examples. It was against the background of this unconventional theoretical reasoning, by which hereditary monarchs were functionally at no other level than any other kind of “leader”, that two decades later Wieland predicted not only the end of the French Republic, as Burke had before him, but named Bonaparte the man who was destined to become “the saviour of the entire world”. In

his prognosis for a “Lord Protector” and “Dictator” in March 1798, Wieland—despite his personal reservations—declared Napoleon a man “of the sort one rarely sees in a century, and whose genius discerns how to be respected by all others and to overpower them”;⁴⁴ and who alone was able to transform the “democracy tottering amidst so many parties and factions” into a stable political system.⁴⁵

While the moment for an open coup had not yet come, Napoleon himself became more active in reflecting on the need to transform and reorganize the French political system. In a confidential letter written to the newly appointed foreign minister Talleyrand in autumn 1797,⁴⁶ Napoleon openly questioned why the legislative branch should be entrusted with comprehensive rights in a nation based on the principle of popular sovereignty, mentioning the right to declare war and peace as a practical example: “why, in a government whose whole authority emanates from the nation; why, where the sovereign is the people, should one include among the functions of the legislative power things which are foreign to it?” In his opinion, governmental power “ought to be regarded as the real representative of the nation, governing in virtue of the constitutional charter and the organic laws”, and should therefore be considerably strengthened in its powers. In such a system, the legislative branch—effectively restricted—“would have no ambitions, and would not inundate us with thousands of ephemeral measures, whose very absurdity defeats their own ends, and which have turned us into a nation with 300 law books in folio, and not a single law”.⁴⁷

Tellingly, in his letter Napoleon asked Talleyrand to present his ideas solely to Sieyès: the man, who two years later was to play a decisive part in preparing the 18 Brumaire. It was the “Failure of the Liberal Republic”⁴⁸ and the sustaining political instability which provoked Sieyès—who had returned to politics with the Directory—to consider a *coup d'état* in order to paralyse the domestic political adversaries on the right and left, and to “terminate the Revolution”⁴⁹ while safeguarding its achievements. That the army should play a decisive role merely underlined the fact that the military had become a key political force since 1789, and it was perhaps the first time since the English Civil War and Oliver Cromwell that power in a major European state lay so clearly with the armed forces. However, Sieyès and his fellow conspirators still envisaged a “parliamentary coup” with the army just as abettor, and Napoleon did not originally play a leading role in the conspiracy, nor was he even the Brumairians’ first choice.⁵⁰ In the end, the 18 Brumaire turned out to be not so much an individual endeavor by Napoleon, but a “joint venture”, as Isser Woloch puts it,⁵¹ arranged by an elite who had done financially well out of the Revolution and wanted to protect themselves and their economic, social and political position against royalist reaction as well as against Jacobin egalitarianism.

The success of the attempted seizure of power, which had been prepared well in advance, was anything but certain and could have easily ended in disaster. This was particularly true since Napoleon did not personally shine in the coup which would eventually bring him to power. Above all, it was his brother Lucien’s presence of mind that saved the day.⁵² In the official version of the coup, however, which was posted in Paris and reprinted in the *Moniteur*, no mention was made of Lucien nor Sieyès. Rather, the events of 19 Brumaire—resulting in the Council of Ancients (upper house) passing a decree which adjourned parliament for three months, appointed Napoleon,

Sieyès, and Ducos provisional consuls, and named two Legislative Commissions—were contorted and portrayed as a plot against Napoleon's life. Napoleon managed to gain center stage, and the proclamation reveals how he perceived himself and wanted to be perceived: as someone who was above party politics and as the restorer of moderation.⁵³

The use of military force in the coup and the official presentation of the events had strengthened Napoleon's hand *vis-à-vis* Sieyès and the other conspirators, an opportunity he seized to accomplish his "coup within the coup". Despite sobering experiences made with weak and collective executives during successive phases of the Revolution, Sieyès still feared the concentration of power in one man alone. He believed in a strong, yet divided and layered executive branch, and therefore proposed installing a *grand électeur*—designated for life—as head of state, whose sole governing function was to appoint and dismiss the two chief executive officers of the state. But Napoleon dismissed the proposition to install himself as grand elector, and thus Sieyès' intricate design to stymie the young "general of action".⁵⁴ Instead, Napoleon had his vision of concentrated executive power accepted in the drafting committee for a new constitution, with supreme authority to be vested in a "first consul" for a ten-year term, who would be backed by a second and third consul meant to provide advice and help, but whose consent was otherwise not necessary for any decision. In the end, although much of the nomenclature of the Consulate could be associated with Sieyès's thought, the spirit of the regime derived from Napoleon's will.

The lack of public reaction after Brumaire could be interpreted as implicit support for the events, and encouraged Napoleon to proceed in organizing and institutionalizing his power. While Jacobin resistance was quickly quelled in the provinces,⁵⁵ the commissions proceeded in drawing up the "Constitution of the Year VIII".⁵⁶ When Dominique Joseph Garat (1749–1833)—a man of liberal convictions and an active revolutionary throughout the 1790s—brought the drafting process to a closure on 23 Frimaire (December 14) with an address celebrating the new Constitution's achievements, the ascendancy of Napoleon Bonaparte had become a *fait accompli*:

For the execution of the laws you intended to give to the laws a power which is as powerful as the laws are sacred; an executive power which, by its unity, is always in action and in accord; by its speed, reaches everything; by having initiative in lawmaking, can assimilate into the republic's code all the fruits of experience and all positive enlightenment about government; by its irresponsibility [*sic!*] is an immutable fixed point, around which everything becomes solid and constant.⁵⁷

The new constitutional order was clearly tailored to fit Napoleon as First Consul and entrusted him with comprehensive powers. While the executive branch was concentrated in one person, the character of the legislature was diffuse, with three distinct houses: a *Sénat conservateur* of 80 men, a *Tribunat* composed of 100, and a *Corps législatif* with 300 members. The power of the legislature was not only weakened by this institutional separation and limited rights, but also by a complicated system of indirect elections being introduced, allowing the executive to exert its influence on the composition of the three houses. Even more importantly, the legislature could no longer claim to have any direct popular legitimacy. The only political institution that

could lay claim to representing the popular will was the First Consul. This was by means of an instrument which was to become archetypal not only for Napoleon's rule, but also later regimes associated with "Bonapartism" or "Napoleonism": plebiscites. Being its only true electoral acts, plebiscites were both anchor point and main source of legitimacy for the complex system of the Consulate, and indeed a novelty in modern French—and generally Western—politics and democratic constitution making.

After its adoption on September 17, 1787 by the Constitutional Convention in Philadelphia, the United States Constitution had been ratified by conventions in each of the thirteen founding states acting in the name of the people rather than by popular vote. Similarly, the French Constitution of 1791 had been adopted by decision of the *Assemblée nationale constituante* and directly enacted with its acceptance by Louis XVI, without any further approval of the document by the nation. The immanent logic of the procedure was that the constitutions had been created by the elected representatives of the nation anyway and thus did not require any further endorsement. After the downfall of the monarchy in 1792, France had trodden new paths in legitimizing constitutions democratically. Under the National Convention (*Convention nationale*) as the country's elected new constitutional and legislative assembly from September 20, 1792 onwards, both the Constitution of 1793 (which was never actually enforced) and that of 1795 were subjected to a referendum after being passed. Thus, strictly speaking the Convent actually changed its character from a constituent to a constitution-suggesting body. Yet if it was only by the vote of the nation that a constitutional draft could obtain legal force, one might also conclude that the elaboration of such a draft could also be left to a body not elected by the nation. This was the case with the Consular Constitution drafted under the aegis of Napoleon.⁵⁸ After its public proclamation on December 15, the new Consular Constitution was enacted on December 24, without prior public confirmation in a referendum. What Art. 95 provided, however, was that "The present constitution shall be offered immediately for the acceptance of the French people." This happened in February 1800 and hence only after a couple of weeks in which the Constitution had already been in force, lending the vote of the nation no longer a constitutive, but only an acclamatory character.⁵⁹

Thus, the popular vote on the 1799 Constitution was not a referendum as those on the Constitutions of 1793 and 1795, but a plebiscite; a distinction in terminology which has to be made, even though it does not quite reflect the use at the time, since the referenda under the National Convention were formally called *plébiscites*, while the plebiscite of Napoleon was termed *appel au peuple*.⁶⁰ The differences between referendum and plebiscite are quite obvious, despite the fact that both are essentially enquiries directed at the "sovereign nation": the referenda of 1793 and 1795 were initiated by the National Convention as effective part of the constitution-making process. In contrast, the plebiscite of February 1800 was called by the First Consul for an *ex post* legitimization not only of a constitutional framework already in force, but especially the person of the First Consul after his seizing of power. The character of a "personal vote of confidence" was manifest in that the Constitution of 1799—unlike its two predecessors—mentioned the heads of state (namely the Consuls) by name.

Much was at stake for Napoleon in February 1800, when he utilized this new but also potentially powerful instrument of democratic legitimization for the first time. A

negative outcome of the plebiscite with eligibility to vote approximating universal male suffrage was not an option and had to be prevented at all costs. Accordingly, all necessary arrangements were made to guarantee the desired result, above all by putting a suitable voting procedure in place: unlike in the referenda of 1793 and 1795, in 1800 voting took place by writing one's name in official registers. With the prospect of being filed as a "No" voter, many potential critics were well-advised not to openly challenge the new regime, and the number of dismissive votes proved to be marginal. However, with roughly 1.6 million votes the number of those endorsing the Constitution remained clearly under what had been expected, particularly since eligibility to vote had approximated universal male suffrage. Wishing to bolster the Consulate's—and above all Napoleon's—image with a stronger mandate than the 2 million votes recorded for the Jacobin Constitution of 1793, the government and especially Lucien Bonaparte as Minister of the Interior therefore falsified the results by adding 900,000 fictitious "Yes" votes and creating around 500,000 military votes out of thin air. As a result, more than 3 million official *oui* were announced.⁶¹ Thus, even the first "Bonapartist" plebiscite demonstrated both the fragility of plebiscitary legitimacy and the manipulative ways in which political leadership could influence the desired outcome.

No matter how much fraud had been involved, the plebiscite served its purpose to demonstrate democratic legitimization for the First Consul. At the same time, the confirmation of the new constitutional order in February 1800 marked the ultimate success of the Brumaire coup and the definite end of the "radical Revolution". The "conservative"—or rather "conservatory"—character of the new regime was obvious in several respects,⁶² including the recourse to the terminology of the Roman Republic. Referring to the ancient institutions of "Consul", "Tribune" and "Senator" communicated stability, order and peace: the Consulate was still a republic based on the will of the people, but one which followed well-tried historical traditions rather than dangerous "republican experiments" as during the Jacobin rule. However, in invoking analogies with antiquity, another, somewhat ambiguous parallel to Roman history seemed to be even more compelling for contemporaries, namely the one between Napoleon and Caesar. Bonapartist propaganda soon realized the potential in instrumentalizing Caesar and presenting the new First Consul as the "successor" of the man who had brought an end to the civil war and crisis of the Roman Republic: an analogy which might strengthen Napoleon's political position and prepare the ground for the institutionalization of his power.

Soon after the plebiscite on the Consular Constitution, Lucien Bonaparte commissioned a 16-page pamphlet—published anonymously, but most likely drafted by Louis-Marcelin de Fontanes (1757–1821)—tellingly entitled *Parallèle entre César, Cromwell, Monck et Bonaparte*, in which Napoleon's achievements were linked with those of Caesar while distinguished from other leaders in world history.⁶³ The pamphlet starts with a comparison of Napoleon with Cromwell and finds no parallels between the two men whatsoever, with the two described as diametric opposites. Cromwell is presented as a revolutionary zealot and tyrant, the leader of a bloodthirsty faction, a conqueror only in civil war, and a barbarian who had ravaged the Universities of Cambridge and Oxford. The "heir" of Cromwell in the French Revolution was Robespierre. In contrast, Bonaparte is portrayed as someone who with immense glory

has washed away the crimes that were not his, who has abolished the barbaric party instituted in honor of the regicide, and who has put an end to the horrors of revolutionary fanaticism. Nor were any similarities found between Bonaparte and General George Monck (1608–1670), a key figure in the restoration of Charles II in England, whose vulgar vanity was contrasted with the grandeur of France's hero of Brumaire: "It is to the Martels and the Charlemagnes, not to the Moncks, that Bonaparte should be compared."⁶⁴ The only proper and legitimate historical analogy was the one between Bonaparte and Caesar, albeit obvious differences had to be acknowledged:

They were both born in the midst of civil wars, and both ended those wars. But Caesar did so by overwhelming the fairest faction, and Bonaparte by rallying citizens against the brigands. In this, Bonaparte and Caesar, while similar as men of war, differ as politicians.⁶⁵

While "Caesar was a usurper and tribune of the people, Bonaparte is a legitimate consul."⁶⁶ Nevertheless, parallels in character and destiny could not be denied, including their capacity as leaders to be almost superhuman in nature. Bonaparte and Caesar, as well as Alexander the Great, "often had the same theatrical sense of glory; all three triumphed through their lieutenants; all three brought the arts and the sciences to barbarian lands". The two heros of antiquity had a great influence on the future, the pamphlet stated, but "will the influence of the French hero last as long?"⁶⁷ The actual political concern of the pamphlet was how Napoleon's "genius" could be institutionalized long term. The author examined the political alternatives in the event of the sudden death of Bonaparte: rule by a parliamentary body, a military dictatorship, or a counter-revolutionary government, none of which would actually be desirable. The pamphlet's conclusion was therefore clear-cut: in order to avoid future chaos and arbitrariness, Napoleon's rule should be made "immortal".⁶⁸ This was basically an open invitation for some kind of hereditary rule to be established.

Public reception of the widely-distributed propaganda pamphlet, however, was overwhelmingly negative.⁶⁹ Napoleon, who, it seems, had approved and most likely copyedited the pamphlet, dissociated himself from it, and laid all blame on his brother Lucien, effecting a breach between them.⁷⁰ This was a lesson for Napoleon, who became cautious not to overdo the "great parallel" between Caesar and himself in public. He realized the danger involved in equating the new First Consul with the Roman general, particularly since the latter could be seen as the "terminator" of the Roman Republic rather than the bringer of stability and order. Even on 19 Brumaire he had been openly denounced in the Council of Five Hundred (lower house) as "Caesar, Cromwell, Tyrant", and had had to struggle to defend himself against such accusations.⁷¹ In the years to come, Napoleon therefore abstained from publicly giving the impression of his striving to become a "new Caesar". At the same time, however, he continued to make use of the comparison in more intimate moments. Five years after the coup, for example, he promised his first wife Joséphine: "I will take you to London, madam [...] I intend the wife of the 'modern Caesar' shall be crowned at Westminster."⁷² At their meeting in Erfurt on October 2, 1808, Napoleon later advised Goethe:

to write a tragedy about the death of Caesar—one really worthy of the subject, a greater one than Voltaire's. That could be the finest task you undertake. You would have to show the world how Caesar would have been its benefactor, how everything would have turned out quite differently if he had been given time to carry out his magnificent plans.⁷³

The negative reception of the pamphlet demonstrated the ambivalence of the Caesar analogy, but also the danger of a sudden break with the republican tradition in favor of monarchical rule. It was one thing to argue for a new constitutional order with a strong executive to overcome political instability, but it was an entirely different matter to establish a formal hereditary monarchy. Revealingly, *de jure* the Consular Constitution of 1800 remained in force until 1814 and was formally only amended, but it was exactly those "amendments" which reflected Napoleon's consistent—eventually successful—efforts to strengthen his personal power. The first step was the extension of Napoleon's authority by making him First Consul for Life ("Constitution of the Year X");⁷⁴ the second the establishment of the hereditary Empire ("Constitution of the Year XII").⁷⁵

On his way from Consulate to Empire, Napoleon could depend on the help and support of active collaborators, who wished to see Bonaparte's power further enhanced.⁷⁶ In backstage lobbying for a lifelong Consulate, Napoleon skillfully made use of the argument that this new arrangement assured the stability and durability of the Consulate and placed the first consul on a level with foreign sovereigns. Behind the facade of the Senate and Council of State, Napoleon effectively pushed for a plebiscite on the question⁷⁷ and personally outlined the proposition to be voted on by the French people: "Shall Napoleon Bonaparte be named first consul for life?" The plebiscite of 1802 was the second instance whereby Napoleon sought public confirmation of his policies, but it was the first time the vote was exclusively concerned with Bonaparte's personal title and power. The results were reassuring and reflected the impressive progress in popular acceptance of Napoleon's power: unlike two years before, the announced turnout of about 3.6 million "Yes" votes—to only 8,374 "No" votes—was in the main accurate, surpassing the absolute majority of eligible voters.⁷⁸ Even though one can conjecture that most critics of Napoleon did not even cast their ballot, this was an impressive acknowledgement of Napoleon's popularity, resting on indubitable domestic and foreign political achievements.

In his first two years as head of the French state, Napoleon had not only provided security for the middle classes, who had profited both from social advancement and the purchase of the *biens nationaux*, but also for the peasantry interested in guarantees for their new legal status and the durable preservation of their property. Moreover, he had also gained the workers' trust in fighting high inflation during the Directory and creating new jobs by boosting the economy, while reaping the gratitude of many former *émigrés*, whose return to France was made possible due to the moderation of domestic politics and improvements to the security situation in the country. Economic and fiscal recovery and success in fighting hunger and unemployment was perhaps more important for the population than the military victories so enthusiastically celebrated by Bonapartist partisans. But they, too, were important building blocks in promoting

the First Consul's popularity and creating the "Napoleonic legend", particularly, since the triumphs on the battlefield and France's ascent to a hegemonic power in Europe not only flattered national pride, but also helped to promote domestic prosperity.

Popular support for the new "man of courage" was actively promoted by massive propaganda and the instrumentalization of the *beaux-arts*, museums, architecture, design and music, which in return profited from government gratuities and state sponsorship. Due to the fact that the whole political regime was almost exclusively adjusted to the First Consul, a personality cult started to take shape, and gradually an idealized public image of Napoleon as the nation's saviour emerged: a development, however, which did not always meet with Napoleon's approval, since he had no desire to nourish Jacobin and royalist opposition.⁷⁹ The fact that the political construction of the Consulate stood and fell with Napoleon favored his transformation into a public hero, but this raised the question as to what would happen in the event of his sudden death. This question was no less urgent even with the successful plebiscite on a lifelong consulate.

The conversion of the Republic into a quasi-monarchy was heralded by significant changes in the ceremonies of power, manifest, for example, in Napoleon residing at the *Palais du Luxembourg* and reinstating a court with highly formalized etiquette and dress codes, in which the revolutionary-egalitarian *tu*-form was abandoned. As regards the fundamental matter of succession, however, Napoleon displayed a rather unclear attitude at the beginning, most likely because he had no natural offspring and male heir so far and could not see any of his brothers being potential candidates. On one earlier occasion he had emphasized that "heredity has never been instituted by law [...] it has always been established by fact [...]", concluding that "the French at this moment can only be governed by me" and that "my natural heir is the French people".⁸⁰

But the situation changed in 1804: a thwarted royalist conspiracy under the leadership of Georges Cadoudal (1771–1804) and the danger of assassination not only served as a pretext to toughen censorship and repression, but also became the catalyst for establishing an empire and solving the problem of succession at the same time. As before, Napoleon left the initiative to others. Michel Regnaud de St. Jean d'Angély (1760–1819) and the four presidents of the Council of State's other sections emphatically linked their proposal to an hereditary empire with a reaffirmation of the Revolution's basic gains, arguing that "the stability and force of hereditary power and the rights of the nation that will have voted for it must be inseparably guaranteed in the same act [...]".⁸¹ This move did not meet with the undivided approval in the Council, but resistance was soon debunked as hypocritical, as the case of Théophile Berlier (1761–1844) demonstrates. As the staunchest republican in the Council, Berlier still criticized the move, but had no reservations later on to continue and intensify his collaboration with Napoleon after the Empire had become a *fait accompli*, and even actively defend the obvious breach with the republican tradition. Berlier's political memoirs, written decades later, provide a sketchy glimpse into the motives of the French political class—including declared revolutionaries and republicans—in delivering themselves up to the Napoleonic cause and thus providing a mainstay for the new regime. With respect to the prevailing attitude in 1804, Berlier noted that citizens who had been:

prior partisans of the Republic, but fatigued by the oscillations suffered for several years, ended up being persuaded that in the heart of an old and monarchical Europe, the best France could reasonably hope for definitively was a representative government under a new dynasty, whose power would be limited by liberal institutions.⁸²

However, he also candidly admitted that it was not only the lack of an agreeable alternative together with a lingering confidence in Napoleon's commitment to the revolutionary legacy which prevailed over republican sensibility, but also plain financial interests of a man "without any patrimonial fortune":⁸³ interests, which Napoleon skillfully served with the prospect of social mobility and a generous system of benefits and gratuities.

It was the same combination of pragmatism, credulity and tangible self-interest which guaranteed broad support for the motion of a hereditary empire not only in the Council of State, but also in the *Tribunat*, even if in the Consulate's most independent institution criticism was formulated in a more explicit way. The most prominent opponent of the motion was Lazare Carnot (1753–1827), the "organizer of victory" in the French Revolutionary Wars, who had already voted against the establishment of Napoleon's Consular powers for life. In his speech, Carnot acknowledged the need for a temporary concentration of authority at the time of the 18 Brumaire to rescue the Republic from "the edge of an abyss". But the very success of Brumaire now provided the opportunity "to establish liberty on solid foundations". To erect a stable and prosperous republic—referring to the United States—was the only reasonable alternative in today's circumstances, since, as Carnot warned, "it is less difficult to form a republic without anarchy than a monarchy without despotism".⁸⁴

Carnot, however, ploughed a lonely furrow, with an overwhelming majority of the tribunes defending the plan to set up a hereditary monarchy.⁸⁵ The arguments put forward were numerous: some invoked Jean Bodin on the superiority of hereditary over elective monarchy, and argued that the guarantee of liberty endured in the legislature's power over taxation (Ambroise-Henry Arnould, 1757–1812), others argued that unlike a king, the new emperor would not be the owner of the country: he was the chief of the French by their wish, and his domain was moral, so no legal servitude could arise from such a system (Henri de Carrion-Nisas, 1767–1841). Some voices stressed that only a fixed order of succession would put an end to Bourbon aspirations, while others, such as Michel Carret (1752–1818), praised the end of anarchy and the prospect of avoiding factionalism.⁸⁶ In a resolution presented to the Senate, the *Tribunat* even declared that the Revolution had never set out to abolish the monarchy, and that it was only the Bourbon's conduct which had forced the nation into a democratic government producing anarchy. Under Bonaparte's "government of one", France had finally recovered its tranquillity at home and gained glory abroad. A hereditary Empire would definitively end any threat to the new order, return France to the path envisaged in 1789, and "preserve all the advantages of the Revolution by choosing a dynasty [...] interested in maintaining those advantages".⁸⁷ In the same vein, Jean Albiisson (1732–1810) expressed his hopes that the goal of 18 Brumaire "to end the Revolution by fusing it to the principles with which it began [i.e. hereditary

executive power; MJP]” would be realized at last.⁸⁸ The chorus of enthusiasm expressed both in the Council of State and the *Tribunat* was complemented by a mass of petitions from army units across the country demanding the establishment of an imperial order. This—partly spontaneous, but for the most part government-controlled—initiative was designed to demonstrate public support, but at the same time suggested in a subtle way the scenario of “military intervention”. While most petitions reflected familiar arguments, welcoming the Empire either as a reconfiguration of the Consulate that would thwart the counter-revolution definitively and guarantee the future of liberty and equality, or as the final burial of the Revolution’s legacy of anarchic disruption, one could also discern a new “vision”; one, which no longer revolved around the revolutionary past, but looked forward to a generically new order acknowledging military glory and Napoleon’s “destiny” to rule.

Considering the broad support for the movement toward hereditary government, it was a mere formality that the Senate endorsed the transition to empire as well. The Senate’s official response delivered by Nicolas François de Neufchâteau (1750–1828) declared that this new government would “defend public liberty, maintain equality, and dip its banners before the expression of the sovereign will of the people”, guaranteed by the fact that imperial power would be vested in a family “whose destiny is inseparable from that of the Revolution”.⁸⁹

In order to honor the “sovereignty of the people”, effusively upheld throughout all the debates, the government again fell back on the well-tried instrument of a plebiscite. The official results of the 1804 plebiscite were almost identical to the vote in 1802, with 3,572,000 votes cast (of which only 8,272 were “No”). But no matter how impressive the renewed affirmation of Napoleon certainly was *prima facie* and especially when applying today’s standards, there was ambivalence in the result, too. Considering the fact that France was more extensive in 1804 than two years before, the overall turnout had in fact fallen considerably. One can only speculate whether the charisma of Napoleon—who had memorialized himself a couple of months earlier with the enactment of the *Code civil des Français*—was showing first signs of a weakening or “routinization”⁹⁰ of his charisma. What can be assumed is that with the transition to Empire the popular opinion on which Bonaparte relied for his legitimacy was stagnating rather than growing.

Revealingly, the plebiscite of November 1804, which blazed the way to Napoleon’s pompous coronation as Emperor of the French on December 2,⁹¹ was the last act of the sovereign people until 1814. The plebiscites had served their purpose in legitimizing Napoleon’s rise to power, and from the perspective of the new Emperor there was neither sense nor reason to fall back on this precarious tool any longer. In the same way as Napoleon’s rule had become hereditary, the delegation of popular power was henceforth considered as “permanent”. The dictum so extensively used at the time even by Napoleon’s supporters that “the people’s authority is bound only by its own interests”⁹² now rang hollow, and the Emperor’s right to rule was no longer defined exclusively with reference to the Revolution. This was clearly demonstrated in Napoleon’s coronation ceremony.

In his oath, he presented himself in a familiar manner as the crowned representative of the Revolution and guarantor of its legacy.⁹³ But this was just one component of the

political staging, and certainly not the most powerful in symbolic terms: the ritual benediction of Napoleon by the Pope impressively revived the tradition of divine right monarchy, while the act of self-coronation was a powerful expression of his personal sovereign power. In evoking “classical monarchy” and blending Roman imperial pageantry with the purported memory of Charlemagne,⁹⁴ Napoleon revealed that he regarded himself as much more than just the governor of the revolutionary nation: a ruler *sui generis*.

Meanwhile, the system of government was undergoing considerable change. In 1802 there were already signs of political repression, with the reorganized administrative apparatus and the system of prefects serving as the strongholds of centralism and authoritarianism. The constitutional amendment following Napoleon’s confirmation as First Consul for Life (*Sénatus-consulte organique de la Constitution du 16 thermidor an X*)⁹⁵ had further marginalized the legislative bodies and restricted personal liberties, especially by limiting the right to vote and taking first steps towards censitary suffrage.⁹⁶ After the transition to empire, repression became all the more common, and Napoleon’s rule a personal dictatorship to an even greater extent.⁹⁷ Napoleon ceased to consider the legality of his political actions, while the chambers and the Council of State lost their remaining powers; a technocratic form of government gained the upper hand, with the bureaucratic machinery serving as a complacent executing instrument of imperial orders. These changes in politics corresponded with changes in Napoleon’s personality discernable in his political actions and utterances, both verbal and written: egoism, propensity to violence, and blind trust in his own abilities gained the mastery; even if Napoleon had originally respected the idea of popular sovereignty, the longer he was in power the more he lost sight of it. In 1814 he declared in a letter to his brother Joseph:

You like flattering people, and falling in with their ideas. I like people to please me, and to fall in with mine. Today, as at Austerlitz, I am the master. [...] [there is] a difference between the times of La Fayette, when the people was sovereign, and the present moment, when I am [...].⁹⁸

As megalomania increased and Napoleon lost sense of what was feasible, he became less sensitive to public opinion. The establishment of a new nobility alienated not only former revolutionaries who had fought for the principle of equality, but also the notables, who saw their status as the political and economic elite fading away. Napoleon thus lost the support of the Brumairians, who had paved his way to power, while the new Napoleonic aristocracy degenerated into a group of sycophants predominantly concerned with the preservation of their assets rather than being a stabilizer for the dynasty. The general public was once again burdened by continuous war efforts and the rigid practice of conscription, necessitated by the fact that “war” had become a permanent condition and increasingly “total”.⁹⁹

The government aimed to counteract public discontent both by toughening censorship and intensifying propaganda, which was now assuming the guise of a cult. Through literature, art, and public festivities the achievements of Napoleon were elevated and his person idealized.¹⁰⁰ But even though republican reminiscences became

fewer and fewer, while references to Roman Caesarism became more explicit—minting of imperial coins, portraying Napoleon in Caesar-like manner with a laurel crown on his head, or introducing the legionary eagles in the army¹⁰¹—Napoleon remained cautious with regard to the “great parallel”. He made an effort to keep up the semblance of a “republican emperor” and a “crowned Washington” rather than a “new Caesar”, and even turned down a request from the *Institut de France* to award him the titles of *Augustus* and *Germanicus* in 1809, explaining his decision as follows:

The only man, and he was not an emperor, who distinguished himself by his character and by many illustrious deeds was Caesar. If there was any title the Emperor should desire, it would be that of *Caesar*. But the name has been dishonoured (if that is possible) by so many petty princes, that it is no longer associated with the memory of the great Caesar, but with that of a mob of German princelings, as feeble as they were ignorant, not one of whom has left a mark on history. The Emperor’s title is *Emperor of the French*. He wishes to be associated neither with *Augustus*, nor *Germanicus*, nor even with *Caesar*.¹⁰²

With the French Empire and the emperor himself at the zenith of their power following the defeat of Austria in the War of the Fifth Coalition, Napoleon dismissed being identified with Caesar not only because of potentially negative connotations, but also because he deemed it redundant, if not offensive, to be compared with any other world-historical character. This growth in self-confidence went hand in hand with Napoleon’s occasional criticism of Caesar, whom he chastised as having overdone his efforts to appeal to the people,¹⁰³ while he denounced Alexander the Great for cutting himself off from the people by declaring he was of some divine origin.¹⁰⁴

What Napoleon did admire, though, was the military genius of both Caesar and Alexander, and it was the battlefield which would decide Napoleon’s fate. Despite growing authoritarian tendencies, increasing burdens on the broader population, and Napoleon alienating himself from those groups which had made his rise to absolute power possible, the existence and continuation of the imperial regime seemed secure as long as the military forces continued to succeed. With the most powerful army of Europe loyal to and gloriously led from victory to victory by its commander-in-chief one can hardly imagine a scenario in which any political force in France could have posed a threat to the imperial order and the Emperor’s personal power. But when Napoleon’s nimbus of military brilliance was irretrievably shattered in the fatal Russian campaign of 1812, and strategic initiative switched to the Allied armies, this marked the beginning of the end of the Empire.

In a combination of personal (military) hubris and stubbornness to accept peace with the Allies only on his terms, Napoleon missed the opportunity to safeguard the political system of the Empire and his own position, which was still within the realms of possibility. The failed peace talks at the Congress of Châtillon provoked a declaration of the allied powers released on March 25, 1814¹⁰⁵ preparing the French nation for the deposition of Napoleon; but in the end—an irony of history—it was a French political body whose members owed their titles and fortunes to Napoleon that declared he had forfeited his throne: the Senate.¹⁰⁶ Under the aegis of Talleyrand, who had become the

head of inner-French opposition since his replacement in 1807 and was actively supported by Tsar Alexander of Russia, the Senate released a corresponding decree on April 3, 1814:¹⁰⁷ it was not because Napoleon had seized power unlawfully, but because of the way he irresponsibly exercised his prerogatives that he had lost his claim to rule. The evidence for the degeneration of his reign was a long list of constitutional breaches, among them the illegal imposition of taxes, declaring and waging war without authorization by the legislative body, the qualification of constitutional powers, the destruction of the independent judiciary and the suspension of the freedom of the press. Perhaps more powerful than any legal argument, however, was the allegation that the Emperor had become estranged from the nation's fundamental wishes and "destroyed" the former "treaty" between himself and the French people.¹⁰⁸ This argumentation focused on the "reasonableness" of political actions and their unison with the "will of the people", and was thus a powerful evocation of the principle of popular sovereignty. When even the military leaders refused to obey orders to recapture Paris on April 4, Napoleon's regime was at an end; the Emperor's authority and so too the basis of the imperial system was irretrievably undermined. Two days later, on April 6, 1814, Napoleon I formally renounced the throne for himself and his heirs.¹⁰⁹

However, neither his downfall in 1814, nor the unsuccessful episode of the "Hundred Days" in 1815 did any lasting harm to the "Napoleonic legend". On the contrary: it was this political failure which fuelled the memory of Napoleon Bonaparte, transforming it into a myth. Napoleon himself made every effort to nurture the "historical myth" of Bonaparte in his exile on Elba and later on Saint Helena, where he found plenty of time to reflect upon his world-historical role as well as to idealize his political achievements and rule. He was in no doubt that the more time passed, the brighter his legacy would shine: "It is a fact that my destiny is the inverse of other men's. Ordinarily, a man is lowered by his downfall; my downfall raises me to infinite heights. Every day strips me of my tyrant's skin, of my murderousness and ferocity."¹¹⁰ The most pervasive picture which he managed to convey through his memoirs and writings in exile was that of the spearhead of progress and liberal ideas:

Liberal opinions will rule the universe. They will become the faith, the religion, the morality of all nations; and in spite of all that may be advanced to the contrary, this memorable aim will be inseparably connected with my name; for after all it cannot be denied that I kindled the torch and consecrated the principle, and now persecution renders me the Messiah. Friends and enemies, all must acknowledge me to be the first soldier, the grand representative of the age. Thus I shall forever remain the leading star.¹¹¹

Part of this picture was the vision of a peacefully united "Europe of the fatherlands", entrusted with progressive institutions.¹¹² At the same time, Napoleon endeavored to play down his personal ambitions and to portray himself as a leader who had only taken up and defended the cause of the people. He took pains to minimize the dictatorial elements of his regime and portray them as a necessary evil which would have immediately ended with the establishment of a durable peace order in Europe. After

that, he declared at one stage, "I would have proclaimed the immutability of boundaries, all future wars, purely defensive; all new aggrandisement, anti-national; I would have associated my son with the empire; my dictatorship would have terminated, and his constitutional reign commenced".¹¹³ The picture which he frequently drew of himself was that of the nation's saviour, needed and anticipated by the people. The description in his memoirs of the events surrounding his seizure of power in 1799 impressively reflects this self-depiction, Napoleon describing France as a country in a shameful state and with a crackle of expectation charging the air.¹¹⁴ Despite his own fate, Napoleon was convinced that the need for a popular "tutelary genius", a leader taking the peoples' fears and desires seriously, would persist. He also ventured to remark that in the future "the sovereign, who, in the first great conflict, shall sincerely embrace the cause of the people, will find himself at the head of all Europe, and may attempt whatever he pleases".¹¹⁵

In his last years, Napoleon not only made projections about times to come, but also looked back in history to that person with whom he had been compared most: Caesar. At the end of his exile on Saint Helena, Napoleon dictated his *Précis des guerres de César*, which was posthumously published in 1836. Though mainly a military history of Caesar's campaigns, it offers a political assessment and a telling insight into Napoleon's understanding of his own rule. Napoleon rejects the idea that Caesar had been striving for the royal crown as pure defamation by his enemies: Caesar would not have attempted to take such a step without the support of the Senate and people as the legitimate institutions of Roman constitutional life, nor would he have overthrown established political traditions just for the sake of a blunt title. Napoleon's *Précis* concludes:

Caesar did not want to be king, because he could not want to; he could not want to because after him, for six hundred years, none of his successors wanted to. It would have been a strange policy to replace the curule chair of the world's conquerors with the rotten throne despised by those who had been conquered.¹¹⁶

This was clearly a dig at the restored Bourbon monarchy and traditional beliefs in what made political authority legitimate. According to Napoleon, Caesar's authority had been legitimate not because he had inherited or been bestowed a particular title, but "because it was necessary and protective, because it maintained all of Rome's vested interests, because it was the result of the opinion and the will of the people".¹¹⁷ This observation reflected Napoleon's view on his own rule as well: a rule adapted to the needs of the time, aware of tradition but correspondent to the existent moment of crisis as well, and based on the will of the people. While Caesar's regime had been a response to the devastating civil war, the Napoleonic order thus appeared as the "Caesaristic" answer to the political and social crisis originating from the end of the *Ancien Régime* and the vicissitudes of the Revolutionary age. Napoleon's nephew and heir Louis-Napoléon Bonaparte later summed it up in a nutshell: "The Emperor was the mediator between two enemy centuries; he killed the *Ancien Régime* by restoring all that was good in that *Régime*: he killed the revolutionary spirit by having the benefits of the revolution triumph everywhere".¹¹⁸

But while Napoleon reasoned about Roman Caesarism in exile and did his part to create his own myth, intensive public debate about his own regime and his place in

history was already well underway and had been so for some time—actually since the memorable events of Brumaire, which sparked a controversy unprecedented in history between supporters and opponents.

2.3.2 Contemporary Perceptions of the Napoleonic Regime

One may surmise that Napoleon Bonaparte dominated the imagination of the nineteenth century more than any other historical figure had dominated a century before or after him.¹¹⁹ The pre-eminent role Napoleon assumed even in the minds of his contemporaries is well illustrated by George Ponsonby (1755–1817), who—as leader of the Whig opposition—declared in the House of Commons on May 25, 1810:

Is he not one of those extraordinary men whom providence creates to bring about those great and extraordinary revolutions, which in two or three thousand years are produced; and totally change the moral and political state of the world? Is he not unparalleled in the history of the world, both as a military man, and a general statesman? I say he is the greatest man that has ever appeared on the face of the earth. I speak not of his moral character; I speak of the strength of his faculties and of the energies of his mind.¹²⁰

Almost concomitant with Napoleon's rise to power and especially since the Brumaire coup, every diagnosis of his personality and rule had been caught up in the fierce quarrels between supporters and opponents of the Corsican. Nevertheless, the focal point of interpretation, which was to remain central to the debates on "Bonapartism" and "(modern) Caesarism", was consistently the relation of the leader to the Revolution. It was against the background of the pervasive "revolutionary experience" that Napoleon's regime was either praised or damned and that all constitutional as well as historic-philosophical parallels received their momentum. In this context, Julius Caesar was not the only model that commended itself to those with a penchant for heroic parallels. Other persons whose character and deeds were compared with Napoleon's were Alexander,¹²¹ Charlemagne,¹²² and Cromwell,¹²³ who were actively instrumentalized in Bonapartist propaganda as well, but also figures historically less distant such as Frederick II of Prussia.¹²⁴ But no other analogy has proved more historically seductive than the one linking Napoleon Bonaparte's political achievements with those of Caesar, and it was the name of the former which would stick to the Corsican more than any other.¹²⁵ That the "great parallel" persisted was an expression of a deep desire to define one's own position in the ever more dynamic process of political, social and cultural change. In such an environment historical analogies helped to provide orientation and stability at the same time.

A common trait of contemporary reception was not only to compare Napoleon with previous historic leaders, but also to evaluate him according to whether he completed and perfected or rather terminated and overcame the Revolution. In this regard, one particular challenge was to make sense of and come to terms with the puzzling parallelism of liberty and authoritarianism, equality and distinction, democracy and dictatorship, pragmatism and charisma that Napoleon and his political regime

embodied. The confusingly numerous facets of Napoleon, difficult to accommodate, were later eloquently expressed in an official history of the Peninsular War commissioned by the Spanish King: "a man who was at once passionate for glory, and a tyrant, a royalist, a republican and an emperor, who indiscriminately donned the turban of the Moslems, the cap of the Jacobins, the crown of Charlemagne and the diadem of the Caesars".¹²⁶ A similar picture was painted in the *European Magazine* of 1814:

Such a medley of contradictions, and, at the same time, such an individual consistence, were never united in the same character. A Royalist, a Republican, and an Emperor—a Mahometan—a Catholic and a patron of the Synagogue—a Subaltern and a Sovereign—a Traitor and a Tyrant—a Christian and an Infidel—he was, through all his vicissitudes, the same stern, impatient, inflexible, original, the same mysterious, incomprehensible *self*—the man *without a model and without a shadow* imitative of his obscure substance.¹²⁷

It is symptomatic of descriptions of Napoleon at the time that the same person who was among the loudest voices to denounce the Corsican might in the same breath still acknowledge his extraordinary merits, as François-René de Chateaubriand (1768–1848) summarized in his *Mémoires*: "My admiration for Bonaparte has always been great and sincere, even when I was attacking Napoleon with the greatest ardour."¹²⁸ Similarly, ardent admiration among contemporaries could swiftly switch toward passionate rejection, or vice versa.

German debate in the early nineteenth century is particular proof of the double-edged and ever-changing nature of Napoleon's reception in Europe. It was in Germany that in the wake of the Revolution expectations of "change" and the launch into modernity became mixed up with fears of anarchy and foreign tutelage and hegemony, and that universalist hopes formulated by philosophers and writers clashed with national(ist) reaction. These contradictions are represented *in persona* by Joseph von Görres (1776–1848), one of the few German revolutionary thinkers to have actually been involved in politics. Member of a delegation of the Rhenish provinces sent to Paris in 1799 to prepare the formal union of the Cisrhene Republic with France, Görres arrived in Paris briefly after Napoleon had assumed power. This personal experience left a lasting impression, as his tract *Resultate meiner Sendung nach Paris im Brumaire des achten Jahres*, published on his return in 1800, reveals: unlike many of his contemporaries, Görres did not consider Napoleon to be the safeguard to a return to order, but shared the opinion of those who saw "the achievement of the Revolution swallowed up by the ambition of a single man".¹²⁹ To him, the coup of 18 Brumaire seemed to be the natural consequence of the events which preceded it, and marked both the end and failure of the Revolution. Henceforth Görres considered the national characters of France and Germany to be basically irreconcilable, promoting the idea that Germany's moral superiority empowered her to replace France as a beacon to other nations.

At the turn of the century, however, overall German public opinion towards the new political regime in France was not as negative as Görres would have us believe. The meteoric ascent of the young artillery officer was generally accompanied by positive comments and remarks from the provinces east of the Rhine, even though induced

by different points of view. Some observers saw in Napoleon a dam to restrain the frightening tide of the Revolution, others greeted the new leader as catalyst for the “Europeanization” of the—now finally “rationalized”—Revolution. Among the latter was the German historian Karl Ludwig von Woltmann (1770–1817), who in 1804 declared Napoleon the only person “who grasped the revolution in its essence and could consequently never become its partisan [*Schwärmer*]”. Therefore, he managed “to halt the revolution at that moment when everything that it had promised seemed to be fading away”.¹³⁰ Hegel, too, welcomed Napoleon: not only because—as he later famously elaborated—he saw symmetries between Alexander, Caesar and Napoleon as “world-historical individuals” (*weltgeschichtliche Individuen*), who played a crucial role in introducing world-impacting concepts and fostered the emergence of the universal from the particular through its negation,¹³¹ but also out of more pragmatic political interests and hopes. In his early work on the German Federal Constitution, written between 1800 and 1802, Hegel expressed the hope that the developments in France would bring about a new Theseus for Germany as well, providing for the unity of the German Empire.¹³²

While Hegel and others continued to understand the Napoleonic rule in the categories of “constitutional monarchy”, there were others who emphasized the novel character of the political system created by the Corsican. The writer Friedrich Buchholz (1768–1843), for example, apostrophized in 1805 the synthesis of democracy and dictatorship, symbolized by Napoleon. For Buchholz, the 18 Brumaire solved the problem “of reconciling the unity of the powers (the monarchy) with the fundamental principle of equality as addressed in the First Constitution [1791]”. It was due to Napoleon—for Buchholz the incorporation of the “new Leviathan”—that government had finally become “an integral whole”. Buchholz emphasized the need for strong leadership with utter conviction and defended the belief that “a government cannot be good without being strong at the same time, and that there is no greater misfortune for a great people than weakness on the part of the highest power”. Neither Napoleon’s actual authority, nor even the way he had seized power had anything reprehensible about it, since calling Napoleon a “usurper” would make no sense at all: “He has usurped nothing more than what [...] always has been and will be usurped.”¹³³

In 1806/1807, Johann Gottfried Seume (1763–1810) described Napoleon as a new phenomenon, too, but without any of the positive tones and associations expressed by Buchholz. For him, there was an irreconcilable difference between the Revolution, which had to be credited with bringing “principles of reason” into “constitutional law”, and Napoleon, whose arbitrariness would always betray his task of becoming a “fixed star of reason”. The French Emperor would content himself with “being a comet that threatens devastation”. If those dearly bought principles of reason were to be annihilated, every part of the world would deserve its own “sublimated Bonaparte”.¹³⁴ Thus, Seume was among the first to characterize Napoleon as the archetype of the post-Revolutionary age; an age, which—if it did not manage to internalize the very principles of the Revolution—would have to suffer the rule of despotism and destruction.¹³⁵ At the same time, Seume’s critical remarks reflect the fact that anti-Napoleonic rhetoric was becoming all the louder in Germany the more French imperialism stretched into German lands. The project of the Confederation of the Rhine, which was so auspiciously

praised by Bonapartist propaganda as the beginning of a liberal age in Germany, did not reverse public opinion, but rather accelerated it due to obvious discrepancies between political promises and practice. In Germany, at least, Napoleon visibly lost the battle for the *vox populi*. Gradually, he turned from an icon of order and liberty into a symbol of foreign rule, and the more time passed the more aggressive the attacks became. The sheer output of anti-Napoleonic literature and pamphlets of the time bears witness to this.¹³⁶

Napoleon's defeat in 1814/1815 marked the day of reckoning of the German national camp with the (remaining) Bonapartists, yet also boosted the critical assessment of his rule and the attempts to understand his regime as a new "constitutional phenomenon" of the (post-)revolutionary age. A typical example of such attempts was the historian Heinrich Luden (1780–1847), for whom Napoleon was the executor of Rousseau's political thought. "Rousseau had demanded unity, indivisibility, inalienability of sovereignty, Bonaparte achieved it", Luden declared in his journal *Nemesis. Zeitschrift für Politik und Geschichte* in 1814, where he summarized the core ideology of the Bonapartists as follows:

The centre is everything to them; [...] everything has to emanate out from and not somehow converge in it. Everything must be done for the people, absolutely nothing by the people itself; the Regent does not govern through his own will, but the general will. He represents the people; how is another representative alongside him even conceivable? No one has an authority over others except him [...] Any autonomy of any limb of the body politic is nonsensical; it goes against unity and indivisibility.¹³⁷

Bonapartist government, it seemed, boiled down to "unrestricted monarchy", but it was in fact more than that: "oligarchic despotism like in China", with the *apparatchiks* of the regime being the "true bearer and explicator of the general will".¹³⁸ By using the comparison of "oriental despotism", Luden was referring to a well-known *topos* in Western political thought, but at the same time emphasizing the novelty of the Bonapartist system for Europe.

With the fall of the Napoleonic regime and the end of strict censorship, efforts were made in France as well to critically evaluate the Napoleonic system, and attempts to reason a new "regime type" intensified. Benjamin Constant (1767–1830), perhaps the most distinguished liberal writer of the early nineteenth century, made a start in 1813/1814, putting forward the first elaborate theory of "Bonapartism" and "Caesarism"—without explicitly naming it as such—in his *De l'esprit de conquête et de l'usurpation dans leurs rapports avec la civilisation européenne* whilst making a case for "constitutional monarchy".¹³⁹

Constant's analysis of what he called "usurpation" wavered between taking recourse to established concepts and terminologies on the one hand and stressing the innovative and hence dangerous nature of the phenomenon on the other. What Constant set out to express was the fact that while a constitutional monarchy such as England had developed into a stronghold of freedom, a "republic" like France had degenerated into

a state of terror and arbitrariness. To this aim, Constant contrasted “usurpation” with “(hereditary) monarchy”.¹⁴⁰

He argued that while the two appeared to be similar entities, since both rested on one man, closer scrutiny would reveal fateful differences: “monarchy” was characterized by intermediary powers, tradition and the monarch not being perceived as an actual person by his subjects, but as an “abstract being” coagulating “a whole race of kings, a tradition of several centuries”. “Usurpation”, on the other hand, was “a force that nothing modifies or softens. It is necessarily stamped with the individuality of the usurper, and such individuality, because it is opposed to all pre-existing interests, must be in a state of permanent defiance and hostility”.¹⁴¹ Part of this sprang from a burden that would not plague hereditary monarchy: while a monarch mounting the throne of his ancestors had no need to “make his reputation”, being the “only one of his kind” and not “compared with anyone else”, a usurper was:

exposed to all the comparisons that regrets, jealousy or hopes may suggest. He is obliged to justify his elevation. He has contracted the tacit obligation to crown such great fortune with great results. He must fear disappointing the expectations which he has so powerfully aroused. The most reasonable and best motivated inaction becomes a danger to him.¹⁴²

The drawbacks of a usurper’s position would concur with the vices of his character, since such vices were always implicit in usurpation. Usurpation by its sheer nature demanded “treachery, violence and perjury”, such acts imported into and established in the regime. “A monarch ascends nobly to his throne”, whereas “a usurper slithers onto it through mud and blood, and when he takes his place on it, his stained robe bears marks of the career he has followed”.¹⁴³ Such structural aspects would also help to explain why the usurper must be at the center of things, the focus of attention, whether he wants to or not, whereas a king could take a backseat and delegate power without endangering his position. It was characteristic for the system of usurpation that the initial act of seizing power—with the active support of the army—was transformed into “incessant warfare”, allowing the usurper to mobilize and discipline the military forces in his support, to “dazzle people’s minds and, for lack of the prestige of antiquity, to win that of conquest”.¹⁴⁴ But since conquest and thus military success must be substituted for authority, one single defeat could signal the regime’s end.¹⁴⁵

Constant not only distinguished usurpation from monarchy, but also highlighted the differences between usurpation and conventional forms of “despotism”. “Consolidated despotism” would indeed “banish all forms of liberties”, but was at least transparent in its destruction of liberty. Usurpation, on the other hand, was deeply corrupting, because it:

needs these forms [of liberties] in order to justify the overturning of what it replaces, but in appropriating them it profanes them. Because the existence of public spirit is a danger for it, while the appearance of one is a necessity, usurpation strikes the people with one hand to stifle their true opinion, and subsequently strikes them again with the other to force them to simulate the appropriate opinion.¹⁴⁶

Thus, while the despot “prohibits discussion and exacts only obedience, the usurper insists on a mock trial as a prelude to public approval”. This “counterfeiting of liberty” would combine “all the evils of anarchy with all those of slavery. There is no limit to the tyranny that seeks to exact the signs of consent.” Where despotism “stifles freedom of the press, usurpation parodies it”. In a nutshell, “despotism rules by means of silence, and leaves man the right to be silent”. Usurpation, however, “condemns him to speak, it pursues him into the most intimate sanctuary of his thoughts, and, by forcing him to lie to his own conscience, deprives the oppressed of his last remaining consolation”.¹⁴⁷

As in so many contemporary works, the evocation of ancient Caesarism was not lacking in Constant’s writing either:

In thinking of the famous usurpers who are celebrated over the centuries, only one thing seems wonderful to me, and that is the admiration that people have for them, Caesar and Octavius, called Augustus, are models of this type: they began by proscribing all that was eminent in Rome; they continued by degrading everything that remained noble; they ended by bequeathing to the world Vitellius, Domitian, Heliogabalus and finally the Goths and the Vandals.¹⁴⁸

Nevertheless, Constant did not deduce an immediate parallel between ancient usurpers and Napoleon, nor a prospect of inevitable nemesis. In Constant’s eyes, Napoleon was certainly a usurper, but one who embodied all that was worst in despotism as well, namely “arbitrary power”¹⁴⁹ and the reduction of all political bodies to instruments of personal will. At the same time, Constant expressed confidence that this amalgamation of usurpation with despotism would be a fleeting phenomenon: “As usurpation cannot be maintained through despotism, since in our days despotism itself cannot last, usurpation has no chance of enduring.”¹⁵⁰ This view sprang from his conviction that the moral and economic conditions of modern civilization would eventually make despotism “impossible”.¹⁵¹ In returning to the differences between the ancient and the modern world, he argued that unlike the former, in which there had been little sense of “individual liberty”, modern societies had incorporated this sense, thereby providing people with a new hub of resistance against despotic—and usurpatory—government.¹⁵² In another passage of his work Constant declared that “each century awaits a man to represent it”, but that the “more advanced a civilization, the more difficult it is to represent it”. He firmly believed that a situation “when a civilized nation is invaded by barbarians, or when an ignorant mass penetrates to its heart and takes over its destiny”, thus the breeding ground for a usurper, was less and less likely due to the achievements of the Enlightenment.¹⁵³

One weak point in Constant’s theory, however, was his definition of political legitimacy, and more particularly his consideration of the democratic element, which had been a crucial component of Napoleon’s rule and conflicted somewhat with the concept of “arbitrary rule”. Constant therefore added a corresponding chapter in the fourth edition of his work, in which he acknowledged two types of legitimacy: “one positive, which derives from free election, the other tacit, which rests upon heredity,”¹⁵⁴ He conceded that “of the two kinds of legitimacy which I admit, the one which derives from election is more seductive in theory, but it has the inconvenience that it can be

counterfeited", as it was both by Cromwell and by Napoleon.¹⁵⁵ Constant's allegation that Napoleon's authority had not been actually established by national will in the same way as that of Washington or William of Orange and was thus genuinely usurpatory and illegitimate prompts him to restate the reproaches against the regime of the Corsican: unlike the conquerors before him he had chosen barbarism, he had "sought to bring back the night" and to "transform into greedy and bloodthirsty nomads a mild and polite people"; his sole resource had been "uninterrupted war", because "had he been pacific, he would never have lasted for twelve years"; but his regime had to fall "by the inevitable effect of the wars which it requires", perhaps not this time, but some other time, since "it is only too natural that a gambler, who every day takes a new risk, should some day meet with the one which must ruin him".¹⁵⁶

Constant's study was probably the most comprehensive and theoretically most profound analysis of "Bonapartism" at the time, which was to structure the upcoming debate on "Caesarism" throughout the rest of the nineteenth century. More expressly than most other contemporary observers, Constant sought to understand the Napoleonic regime not so much as an outcome of Napoleon's personal flaws and passions, but as a phenomenon reflecting more general historical developments.¹⁵⁷

What made Constant's analysis particularly perceptive was that he did not portray arbitrary power and usurpation as the product of a ruthless will to oppress only, but demonstrated that both could be the outcome of apparently reasonable measures and considerations, short-sighted Machiavellianism, social change and ideological fallacies. Similarly, the true horror of despotic government, as he described it, did not always lie in excess, cruelty and terror, but in the corruption of liberty, daily acceptance of compromise, the slow erosion of human solidarity and decency, and the sharing of guilt and complicity by the whole body politic.

Though written with a critical punch, Constant managed to paint a more complex picture of the Corsican than the majority of anti-Napoleonic liberal pamphleteers at the time, who considered him an evil outlaw, whose leadership had not been used to fulfill the Revolution, but to pervert it by "selfish Cunning, oath-trampling Usurpation, remorseless Tyranny, and thirst of War and Rapine".¹⁵⁸ At the same time, Constant provided an analysis distinct from the ones put forward by conservatives such as de Maistre and Louis-Gabriel-Ambroise de Bonald (1754–1840). Following Burke's lead, they attempted to prove that there would be a slide from revolutionary government based on popular sovereignty into military domination by a single commander, with the one usurping power setting up a far more absolute and repressive regime than had existed before the Revolution. While Constant shared the "negative consensus" that prevailed among liberals and conservatives alike in rejecting the theory of an unlimited sovereignty of the people, he abstained from accepting the absolute inevitability of this slide and dissociated himself completely from the conclusions drawn by the conservatives.

In contrast to them, Constant saw the restoration of a traditional monarchical order "willed by God" neither as a likely nor as a reasonable alternative for the post-Napoleonic age. He believed it was necessary to learn a lesson from the Napoleonic experience and to establish—following Constant's principle that "no authority upon earth is unlimited, neither that of the people, nor that of the men who declare

themselves their representatives, nor that of kings, by whatever title they reign"¹⁵⁹—a representative political system characterized by strict separation of powers, whose main concern was the safeguarding of individual liberties and rights.

Given his optimistic take on history, expecting enduring political progress from enlightened philosophy and civilization no less than commercial society, Constant in 1814 considered Napoleon's regime to be just one—though disagreeable—historic episode. This view may help to explain Constant's striking willingness to assist Napoleon in revising the Constitution of the Empire during the Hundred Days: the same man, whom he had so ardently attacked in the previous years.¹⁶⁰

Constant had been able to pin down the characteristic traits of "Bonapartism"; but he had failed to recognize this type of regime as the lasting signature of the post-revolutionary age. His assessment that "usurpation" would have no prospects, neither in political theory nor practice, was soon proven to be a grave misjudgement.

2.4 Conclusions

The "Great Revolutions", especially the French Revolution, as a point of entry for utopian visions of political and social renewal had shattered the traditional bedrock of political life and legitimacy. Revolutionary activism went beyond the mottos of enlightened philosophy: "Sapere Aude!" and "Have courage to use your own understanding!"¹⁶¹ Increasingly, it was now also about "Create Aude!" and "Have courage to create your own world!"

But as appealing as the perspective might have appeared to design one's own "Elysium on earth", equally as sobering was the public awakening in the French Revolution, when the shady side of seemingly "infinite liberty" became glaringly obvious in the face of instability, disorder and economic chaos. The more obvious the "crisis" became, the louder demands for a "domestication" or termination of the Revolution were. The chances for a figure with "heroic" appeal were excellent: traditional monarchy might have been sacrificed on the altar of "popular sovereignty", but not so faith in strong leadership. Moreover, revolutionary deicide had created a gap which was likely to be filled by a charismatic character, epitomizing stability while not sacrificing the prospect of progress.

It is no wonder that at the sight of the "revolutionary crisis" the republican model faced growing scepticism, too, and that the "great parallel" with antiquity assumed a negative aftertaste. More than before, ancient republicanism was now invoked as a warning, as something to be feared, not emulated, and major currents of political thought across the ideological spectrum attempted to make sense of contemporary events via the example of the Ancient world and Rome in particular as "paradigmatic" in a negative sense. Recurring elements of the "negative great parallel" included the masses as the new barbarians, civil war, and popular usurpatory militarism as the dominant type of state. This was also the position of Edmund Burke, who asserted that because the new republican regime could not rest upon a basis of traditional authority, it would be so unstable as to produce a military dictatorship. A single man would rule by a power unchecked because any limitation would be regarded as incompatible with

the revolutionary principles of popular sovereignty. This, in effect, would lead to a regime oriented to dominion and conquest. French royalist writers took a slightly different view. De Maistre, for example, made an analogy anticipating the later use of "Caesarism" as the term for plebiscitary dictatorship when he emphasized that Providence would always deny the people the possibility to designate their own rulers. The Roman plebs had enslaved itself by revolting against the aristocracy; similarly, in 1789 the French people, already in possession of all necessary liberties, had taken up arms against their legitimate rulers. As a consequence, the nation had been enslaved and exploited.

However, while a "new Caesar" might be perceived as a *bête noire*, one could also see him as "saviour", or at least born of necessity. In the early years of the Revolution there was no real "candidate" for this role: while the Marquis de La Fayette was unwilling, Robespierre was unable to fulfill it. The quest continued, and the rise of the victorious general Napoleon Bonaparte finally provided a concrete face for the debate which until then had been rather abstract.

Backed by his military victories abroad, Napoleon took effective advantage of the historical chance being offered at 18 Brumaire. A set of conditions made the coup of 18 Brumaire possible: the breakdown of traditional authority and a civilian political consensus; the emergence of the armed forces as the one body actually holding power; the actual or alleged need to prevent chaos; an attitude of acquiescence among the population, particularly since Frenchmen saw in Napoleon what they hoped to see.

The new Consular Constitution effectively deactivated parliament and the representative system altogether. "Popular will" was now expressed by a new instrument, which would evolve into a permanent *signum* of "Bonapartism": plebiscites. However, this plebiscitary element was less about achieving a means for political opinions to be articulated, than about the affirmation of the leader's authority and policies.

Napoleon actively advanced his authority and power, well aware that his successful policies—domestic as well as foreign—generated the popular support he required. The backing Napoleon enjoyed in the population found clear expression in the plebiscite on lifelong Consulate: while the result of the plebiscite legitimizing the 18 Brumaire had needed to be "burnished" by manipulation in order to guarantee a glowing result, in 1802 a majority of the electorate stood behind Napoleon even without governmental fraud. Public enthusiasm in France for the Corsican was perhaps never higher than around the Peace of Amiens: the First Consul had achieved peace and international preponderance through military victory, economic stabilization, as well as the repatriation of most *émigrés*. All this occurred without jeopardizing civil equality, the abolition of seigneurialism, or the transfer of the *biens nationaux*. Indeed, "Bonaparte seemed to be sustaining the most tangible interests created by the Revolution while soothing its most aggrieved victims."¹⁶² Napoleon's coronation in 1804 marked the climax, but somehow also termination of the *système Napoléon*, not least since the—relatively—disappointing results of the plebiscite on the establishment of hereditary Empire demonstrated the frontiers and fragility of the "plebiscitary model". Tellingly, the plebiscite of 1804 was the last until the collapse of the regime in 1814, and marked the beginning of an increasingly authoritarian style of reign.

Napoleon was cautious to keep up appearances of being "the nation's tribune" and "Emperor of the French" rather than "Emperor of France", but at the same time made

efforts to draw on alternative sources of legitimacy, most notably rationality and tradition. However, the long-term institutionalization of his position remained a difficult endeavor. Ultimately, Napoleon's rule depended on the category of "success", military and otherwise. Famously, Napoleon is said to have voiced himself that whereas established monarchs could suffer a dozen defeats and still be accepted as rulers by their peoples, he could survive only through continuous victories and was dependent on being perceived as "fortune's son".¹⁶³ Whether these utterances are authentic or not,¹⁶⁴ they certainly reflect a characteristic feature of his rule, which never entirely escaped a basic fragility. In the end, it was perhaps not military defeat as such which put an end to his reign. Yet the burden of continuous warfare and the accompanying economic consequences undermined Napoleon's domestic basis of power, eventually allowing the same political elite in the Senate, which owed Napoleon status and power, to declare him forfeit his throne in April 1814.

However, it is one of the trademarks of Napoleon that legend and myth did not end with his defeat, but were rather grounded on his failure. In exile Napoleon worked hard to create his own legacy: he emphasized what would have been possible if hostile Europe had allowed him to put his visions into practice, and played down the authoritarian elements of his regime arguing that these were only due to the exceptional circumstances of the time, with the reign of liberty and happiness already envisaged for the time after the wars. Despite actual historical evidence, the image of the nation's "saviour", needed and anticipated by a desperate people, was preserved—an image, which allowed favorable analogies with Caesar to be drawn: like Napoleon, Caesar's sole concern had been the wishes and anxieties of the people; he had not been striving for the royal crown, but only served as the crowned representative of the body politic; and akin to Napoleon later on, he was hindered by his contemporaries in achieving even greater feats.

While the Napoleonic propaganda machine did its best to present the Corsican as an "exceptional phenomenon" of history, even among observers of the time the idea grew and developed that he was "singular", if only in a negative respect. "That he has done much evil, there is little doubt—that he has been the origin of much good, there is just as little", the contradictory "Character [*sic!*] of Buonaparte" was summarized in 1814.¹⁶⁵ In public perception, the "great parallel" to other figures of world history and Caesar in particular was frequently referred to as well, with the main question being Napoleon's relation to the epoch-making event of the Revolution: was he the heir and executor of the French Revolution, "the personified Revolution in one of its stages", as Karl Wilhelm Koppe (1777–1837) argued in 1815,¹⁶⁶ or liquidator of revolutionary ideals? This question was—and continues to be—one which is difficult to answer.

After Brumaire, Napoleon himself had coined the famous formula *Ni bonnet rouge, ni talon rouge, je suis national*,¹⁶⁷ a version of "national populism" *avant la lettre*. Reversely, one could argue that Napoleon carried on both pre-revolutionary and revolutionary traditions. The construction of a hereditary monarchy as well as the (re-)establishment of nobility evoked reminiscences to the *Ancien Régime*. At the same time, links to the Revolution were clearly apparent as well, including even such to Jacobin rule. Bureaucratic gigantism and state paternalism, centralization, a powerful executive branch seeking to legitimize its authority through the incitement of patriotic

fervour and thus inclined towards war—all these had been characteristic features of the French Jacobin State as well. What the Italian writer Guglielmo Ferrero later determined as perhaps the most important “nexus” to the Jacobin “heritage” was that Napoleon’s reign had “saved France and the work of the Revolution, by definitely organizing, on the lines traced out by the Convention, the new universal secular protection of the Jacobin State in place of that formerly exercised by the Church.”¹⁶⁸ The fact that Napoleon could be seen as the embodiment of secularization by some observers, while others—including a majority of the French clergy at the beginning of the nineteenth century—hailed him as the providential saviour of the Church and compared him to Cyrus or Moses underlines still further the ambivalence embodied by the Corsican.

Along with contemporary debate about what Napoleon ultimately represented, the questions as to the “novelty” of his regime gained importance as well. This also drove the discourse on categories of political legitimacy and illegitimacy, which had been prepared by the reinterpretation of classical “tyranny” in the eighteenth century. Here and there, Napoleon’s regime was seen not only as being “special”, but also as an archetype of the post-Revolutionary age, in which democracy and dictatorship were conflated in a particular way. But Napoleon’s fall also raised expectations that his rule might have been only a temporary phenomenon.

This opinion was also shared by Benjamin Constant. In 1814, he provided the first more detailed “theory” of what was soon to be termed “Bonapartism” or “Napoleonism”. Constant characterized Napoleon’s rule as “usurpation”¹⁶⁹ based on and converged with despotism, and in his eyes, the regime was illegitimate not only since “the usurper sits with fear on an illegitimate throne, as on a solitary pyramid,”¹⁷⁰ but also because it derived from a seizure of power and demanded constant warfare. Despite all his merits in understanding “Napoleon” as an essentially “systemic” phenomenon and challenge, and demarcating Napoleon’s regime from classical forms of illegitimate rule, Constant was fundamentally wrong with respect to the potential which “Bonapartism” might unfold in the long run.

Constant neglected that it had been “liberals” such as himself who had helped to provide convincing arguments for the abandonment of popular democracy and the move towards a strong state authority even before Brumaire. For a long time, liberal thinkers had challenged the republican model; for them, the great mistake of the Revolution and its ideologues was to try to recapitulate Graeco-Roman antiquity and to impose on modern “public opinion” what was no longer suitable for it. “In the present era liberty means everything that protects citizens’ independence of the government”, Madame de Staël aptly summarized liberal positions. Thinkers like Rousseau had lost sight of the fact that “public opinion will be based upon the love of tranquillity, the desire to acquire wealth, and the need to preserve it; that people will always be more concerned with administrative concepts than political questions because they bear more directly upon private life.”¹⁷¹

But was it not actually this wish for “tranquillity”, on which Napoleon’s rule had rested, the guarantee of stability and the protection of vested rights, in particular for the middle classes—in exchange for restricted political liberty and participation? Indeed, contrary to Constant’s optimistic conception of civilization, “Bonapartism” was anything but a phase-out model of history.