

Article

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Voltaire on Liberty

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Abstract: This article sets forth Voltaire's philosophy of liberty. Contrary to generally accepted readings, which take Voltaire at face value rather than considering the environment in which he wrote, Voltaire had a clear normative political thought. He was an early proponent of rule of law, ordered liberty, freedom of conscience and expression, and the right to prudent rebellion against tyranny. At the root of his political theory lay a rejection of slavery, and hence of all forms of subjugation.

Keywords: Voltaire, liberty, philosophy of liberty, law of nature, despotism, absolutism, slavery

1 Introduction

In this article I want to question a number of presumed truths about Voltaire's politics.¹ The standard view amongst Voltaire scholars is that Voltaire, as part of his attack on the Catholic Church, presented defenses of religious freedom and of free speech and publication (cautiously limited in the case of religious freedom, rather less so in the case of freedom of publication), but he had virtually nothing to say in favour of political liberty.² I will tackle elsewhere the question of Voltaire's views on religious toleration and free expression; I concern myself here solely with his views on political liberty. I will be arguing against two claims:

- i) Voltaire does not have a systematic, coherent, or original political philosophy.³

¹ I give references to the Voltaire Foundation's *Oeuvres complètes* (205 vols., Oxford: Voltaire Foundation, 1968–2022) with the abbreviation *OCV*. I cite letters from vols. 85–135 of that edition by the standard referencing system, the D-number. I cite from Voltaire (2006) when a translation of my source appears there; otherwise all translations are my own.

² For Voltaire on religious liberty see in particular Voltaire (2000) and Cronk (2000).

³ Voltaire (2006), xiii; Gay (1959), 343–346; Pomeau in Voltaire (1963), vii.

- ii) Voltaire favours absolutism in politics; he is, admittedly, a somewhat paradoxical absolutist (“a constitutional absolutist” in one formulation), but he is certainly no advocate of political liberty.⁴

Indeed Voltaire is conventionally held to be an advocate of enlightened despotism as exemplified by Frederick the Great and Catherine the Great. This, I will show, misrepresents Voltaire’s views. I need at once to make a distinction between working with absolutist rulers (which Voltaire did from 1740, when Frederick acceded to the throne of Prussia, until Voltaire’s own death) and defending absolutist rule in principle as the best or only practical form of government (which Voltaire never did). Voltaire certainly held the view that “men’s loyalties, and the direction of political reform, are relative to unique historical situations”—we may call him a situationist in politics—but he also held a normative theory which identified the goal towards which political action should be directed, and held that goal was, ultimately, incompatible with absolutism, even if absolutism might often be preferable to the available alternatives (Gay 1959, 110–111).

It is a striking feature of the literature on Voltaire’s politics that the standard text is still Peter Gay’s *Voltaire’s Politics* of 1959 (Hanrahan 2009, 177–178). It is difficult to think of another monograph in the history of ideas which is more than 60 years old and still dominates the field. The status of Gay’s book is a tribute to its fine qualities: it is learned, elegant, and (if one does not go back to the sources) convincing. But its status is also a consequence of the fact that Voltaire scholarship represents a relatively closed world within which debate on fundamental issues rarely occurs. Here and there, then, I will argue with Gay as if his book represented current scholarship for the simple reason that, to all intents and purposes, it does. In one particular respect Gay’s book must now seem dated: it contains no discussion of slavery, a topic which no recent author could ignore. Had he paid attention to Voltaire on slavery Gay would have been (or should have been) alerted to the originality of Voltaire’s political philosophy.

⁴ Voltaire (2006), xiv–xv: “Voltaire ... made a crucial distinction between absolute and arbitrary power”, writes Williams; but he never makes such a distinction, and in fact treats the two as equivalent: e.g. *OCV* 66:159–160; Rasmussen (2011), 85n: “It should be noted”, writes Rasmussen, “that Voltaire distinguished between ‘absolute’ and ‘despotic’ authority”, but actually he never made such a distinction, and treated the two as equivalent: e.g. *OCV* 26C:199, and 32C:333–335; he does however distinguish between supreme power and absolute/arbitrary/despotic power, for it is possible for a monarch to be constrained by the law: *OCV* 73:165, 191; hence his distinction between monarchy and despotism: Voltaire (2006), 98, 221. In England, Voltaire wrote (*OCV* 6B:63) the king is all-powerful to do good and powerless to do harm. See also Pomeau in Voltaire (1963), 40; Gay (1959), 309–340; Hanrahan (2009), pt. III (175–196): “Voltaire’s politics: absolutism but not absolutely”; John Renwick in *OCV* 68:91. On Voltaire’s supposed “constitutional absolutism”, Gay (1959), 309–40.

Voltaire's views on liberty are straightforward, once one grasps how to read him, but if his convictions are straightforward his expression of them rarely is. Let me start with two examples cited in close succession by Gay. In both cases Gay reads Voltaire's text as if its superficial, literal meaning was its only meaning; and as a result he misreads it. First, Voltaire's stanzas to Willem van Haren, a Dutch poet and statesman, of August 1743 (*OCV* 28A:428–433). Gay quotes the last verse, and concludes that "in France, a subject's first loyalty is to the crown." (1959, 110) Here is my translation:

Our spirit conforms to the place of our birth.
 At Rome one is as a slave, at London a citizen.
 The distinction of a Dutchman is to live without a master
 And my first duty is to serve mine.

But the previous two stanzas had told a very different story. In the first Voltaire praises van Haren, comparing him to Demosthenes, Pindar, and the Spartan poet Tyrtaeus, thus acknowledging him as both politician and poet. In the middle stanza he contrasts his own situation to van Haren's:

I cannot imitate you, but I love your courage.
 Born to freedom, you think like a hero.
 But those who are born subjects may only think like wise men
 And live obscurely, if they want to live in peace.

Thus van Haren can act on his beliefs, Voltaire cannot. For almost 10 years Voltaire had lived obscurely in exile at Cirey with Madame du Châtelet. He had, at her insistence, been wise, and published very little. In January of 1743 Cardinal Fleury, the chief minister of France, had at long last died at the age of 89. Voltaire had sought a reconciliation with the new political establishment and had been rewarded with a diplomatic mission in Holland; he had entered the world of political action, but only as a servant of the crown, not as an independent agent. He had embarked on a period of his life which he later said he profoundly regretted, a period in which he had been a courtier. (D19905)

Voltaire's poem to van Haren, which was written for publication and delighted the Dutch because it could be read as acknowledging the superiority of republics over monarchies, does not convey, as Gay believes, the straightforward message that a Frenchman's first loyalty is to the crown. On its first publication, in Amsterdam, it was accompanied by an editorial commentary which explained that its meaning was that a free man "can think and say whatever he likes"; while the subject of a monarchy or a despotism "can think what he likes, but he should stay silent" if he

wants to keep out of trouble (*OCV28A:429*). This is far from being praise of monarchy, or even a declaration of willing submission. The last line of the poem, then, should be read as the sort of cautious statement that a wise man is bound to make if he wants to live peaceably in a monarchy, and also as a gracious acknowledgment to the court of Louis XV that Voltaire is, at this moment, employed in the service of his king—indeed, that the very writing of this poem is an act of diplomacy. One may aptly compare the last stanza to one of the “Thoughts on Government” of 1752: “A citizen of Amsterdam is a man; a citizen living a few degrees of longitude away is an animal in service”, in other words a slave (Voltaire 2006, 217).

Just before this example Gay quotes a letter written (in English) by Voltaire in August 1750 to Richard Rolt, a young author previously unknown to Voltaire, who had sent him a work on contemporary history (which had not reached Voltaire), accompanying it with a letter praising liberty. Voltaire responded:

You are certainly in the right, when you assert the privileges of mankind. T'is yr duty to love and to praise the form of the British government but do not believe we blame it in France. The situation of our country, the genius of our nation, and many other reasons have submitted us to Monarchik power mitigated by the amiable mildness of our manners rather than by our laws. All wise men amongst us live happy under such a government, and admire that of Great Britain. (D4177)

Gay reads this as an endorsement of absolutist monarchy, at least for France (1959, 109). Hang on a moment, one is bound to respond: Voltaire is writing from exile. He has left France without permission, alienating the government, because he is opposed to its policies. He hasn't lived happily under the French monarchy. He is, it is true, trying to live happily under the Prussian monarchy. He knows perfectly well that his letter may be opened and read by the agents of Frederick's government, so he certainly isn't going to say anything directly condemnatory of absolute monarchy. Read in context the claim to live happily under French (or Prussian) monarchy is another diplomatic gesture, like the last line of the poem to van Haren.

The letter goes on, in a passage not quoted by Gay, referring to Voltaire's own planned history of Louis XIV:

History must be neither a satir nor an encomium, and I hope a Frenchman, and even a gentleman of the King's Chamber [i.e. Voltaire himself] may tell open truth with security. A moderate man can not offend when he will not offend, and he may say harsh things if he never uses harsh words.

Again, Voltaire expects Rolt to see straight through this. Voltaire had been repeatedly prevented, while living in France, from publishing anything relating to his history. He had not been able to tell open truth with security. What he conveys here, in plain English, is precisely the message to which Gay is deaf: Voltaire wants to say harsh things about the French monarchy, even if he must take great care as to how, when

and where he says them. It is a mistake, when reading Voltaire on monarchy, to be misled by the absence of harsh words so that one misses the harsh things that are being said. Rolt's reading of Voltaire's letter was quite different from Gay's: "I am glad to find the sentiments of liberty pronounced so freely by a subject of France; an Englishman can do no more," he replied, and congratulated Voltaire for planning to speak "bold and open truths" (D4189). He was so pleased with the correspondence that he published it in the second edition of his history.⁵

Reading Voltaire is thus not straightforward. Everything he wrote on politics has to be read in the context of his (misleading) claim that enlightened philosophy (unlike religious superstition) is no threat to political authority.⁶ And this claim must be understood in the context of Voltaire's struggle to disseminate his ideas despite the efforts of the French authorities to prevent his more subversive works from circulating. Because of this Voltaire published most of his work pseudonymously: it didn't matter that the pseudonyms were transparent, the important thing was that he could not be prosecuted for being the author of a text which he denied having written, at least not in the absence of documentary evidence, proving both his authorship, and that he had approved publication.⁷ Often he presents his views indirectly, in the form of stories about foreign cultures or in the form of dialogues, and indeed he insisted that the best books are the ones where the reader is responsible for determining their meaning (*OCV* 35:284; 56C:153). He thus downplays the radical implications of his thinking, particularly when applied to France; and as a result many accounts—and Gay's book is simply the most distinguished and influential—misrepresent his views.

2 Liberty and Slavery

My argument is that there is plenty of subversion in Voltaire, and indeed that he has a strong theory of liberty, but you have to know where to look and how to read. Here I concentrate on texts in which Voltaire appears to speak directly to the reader, but which, for the most part, have not received the attention they deserve. I don't think that selecting these particular texts out of the vast bulk of Voltaire's publications distorts his thinking; rather it catches him writing when least

⁵ This first publication escaped Besterman's notice.

⁶ e.g. *OCV* 32A:242–243; 35:284; 60A:537–546; 68:251; Voltaire (2006), 216; etc.

⁷ *OCV* 68:103. It's a remarkable fact that nobody in eighteenth-century France got into trouble for writing or owning a subversive manuscript. It was the publication of subversive views that was illegal.

concerned about the threat posed by the censors, and thus expressing himself with more frankness than is usual.

What do we need to read in order to understand Voltaire on liberty? It is a feature of the key texts that they are, in one way or another, hidden away. The *ABC* first appeared as being published, not in Geneva, as was actually the case, but by Robert Freeman in London. The “Thoughts on Government” originally appeared, evidently added as the volume went to press, as a preface to the *History of Charles XII* in the 1752 Dresden edition of Voltaire’s works in seven volumes.⁸ Many of Voltaire’s most important discussions are to be found in the later volumes of the nine volume *Questions on the Encyclopaedia*. The authorities were traditionally less concerned with the subversive content of multi-volume works, such as the *Works*, simply because they were expensive, and so confined to a well-to-do readership, but from 1771, with Maupeou ordering a crackdown on philosophical literature, the customs began to confiscate both editions of the *Works* and copies of the *Questions* (Darnton 1995, Nos. 498, 588).

Voltaire always insisted (falsely) that the *Questions* were, like Diderot and d’Alembert’s *Encyclopaedia*, a collective work for which he bore no personal responsibility. As for another important work, the *History of the Parlement* (of which there were eighteen editions in Voltaire’s lifetime), Voltaire went to great lengths to deny that he was the author (who was, according to the title page, Abbé Big***), and the first three or four editions were printed in Amsterdam, Lausanne, and perhaps Paris, at a distance both from Voltaire in Ferney and from his usual printers in Geneva so that they would appear not to be connected to him. The book was so hot that Marc Michel Rey, the printer chosen for the first edition, who had plenty of experience with forbidden books, thought it was pointless to ship copies from Amsterdam to France (where, one must assume, the booksellers were not prepared to take the risk of handling it), so he sent the whole print run to London, from whence individual copies were brought by returning travellers to Paris: he thus managed to conceal his own responsibility for printing the book, which was generally assumed to have been printed in London.⁹

The texts I will be drawing on all (with the exception of the stanzas for van Haren) post-date 1650, which represents the date of Voltaire’s first direct engagement in French politics, in the campaign to tax the clergy. Voltaire’s lover, Emilie du Châtelet, had died in September 1749: it had been her constant struggle to keep Voltaire out of trouble and to discourage him from going into exile, and her death removed a constraint on Voltaire’s self-expression and opened up the possibility of

⁸ See, for the paratexts of *Charles XII*, Kates (2022), 106–120.

⁹ *OCV* 68:115–118, 122. Again, it’s important that possession of a banned book was not an offence; the criminal action was selling a banned book.

leaving France for Prussia, which he proceeded to do in mid-1750, partly because the crown had not provided backing for Voltaire and others in their campaign to extend taxation to the clergy, despite the fact that they were acting in support of the crown's declared policy. Voltaire could thus afford to speak out knowing that he need not stay around to face the consequences. And, as we shall see, Voltaire's political philosophy took shape in the month or two before he left France, and was to remain fundamentally unchanged throughout the rest of his life. We find that philosophy summarised in a brief phrase of the letter to Rolt of August 1750: "You are certainly in the right when you assert the privileges of mankind." Once we understand what Voltaire thought those privileges are, we will understand Voltaire's political philosophy.

Let me spell out my argument briefly, so that my readers can start with a sketch map of where we are going. In reading Voltaire, I have already suggested, we must carefully distinguish two quite separate questions:

- 1) What, in practical terms, here and now, can be done to make life better? In general, as authors such as Gay have emphasised, Voltaire thought that in France royal power needed reinforcing. We find him writing in a letter in 1771 "our nation had always been flighty, sometimes very cruel, and has never known how to govern itself by itself, and it is all too [un]worthy to be free. I will add that I would prefer, despite my extreme taste for liberty, to live under the paw of a lion than to be continually exposed to the teeth of a thousand rats, my fellow [French] men." (D171199) Thus Voltaire preferred the tyranny of the lion to the anarchy of the rats. Already in 1764, in the *Philosophical Dictionary*, Voltaire had said that he preferred the tyranny of one man to the tyranny of a corporate body (such as the Parlements, or the Genevan oligarchy), a statement which Diderot thought had earned him the undying hostility of the French Parlements.¹⁰
- 2) What, in principle, are people entitled to do? Voltaire's answer to this question could not be more radical. Whenever and wherever people find themselves to be unfree they are entitled to rebel and claim their natural right to freedom. No circumstances can legitimise slavery, tyranny, or despotic rule. Rebellion may often be unwise, but it is almost always justified in that human beings have a basic, inalienable right to freedom. No constitutional arrangement, no previous submission, no tradition can deprive them of this right.

One can thus easily generate an account of Voltaire as advocating despotism, ideally, but not necessarily, enlightened. Despotism is preferable to anarchy. I don't in any way want to sanitise Voltaire's record in this respect. When Voltaire

¹⁰ OCV 36:579–580; Diderot, letter of Oct. 8, 1768, quoted in Morley (1878), 1:181.

expressed approval for Peter the Great, Frederick, then Crown Prince of Prussia, had a dossier compiled for Voltaire, based on knowledge available to the diplomats in Berlin, of some of the dreadful crimes—murders and tortures—committed, often in person, by Peter. Voltaire did not cease to admire Peter, for overall his rule served to weaken the Russian nobility and improve the conditions of ordinary people, to encourage prosperity, and to bring European intellectual life into a benighted country.

But, more importantly, one must acknowledge that Voltaire had an extreme taste for liberty, and believed that each and every person has a right to be free. Voltaire's theory of freedom is not, I will argue, entirely his own, but his development of it is original. Surprisingly, given that he never tired of praising Locke's philosophy, he seems never to have read the *Two Treatises*: certainly he didn't own a copy, either in English or French, though there were half a dozen French editions. He read and commented on the great natural law theorists aside from Locke—Grotius, Hobbes, Pufendorf, Burlamaqui, and Rousseau—but he did not derive his views from them (Crocker 1983). His account of political liberty was, we shall see, quite different from theirs.

Absolutist Voltaire and subversive Voltaire live, somewhat awkwardly, side by side. Voltaire thought that the need to combine order with liberty had best been achieved in England, and his political activity was always directed at making other countries more like England. Here he is writing on the English in the *Questions on the Encyclopaedia*:

As they became more enlightened and more wealthy, has not love of freedom become their dominant characteristic? All citizens cannot be equally powerful, but they can all be equally free, and this is what the English have gained in the end by their steadfastness ...

In the end this is what English legislation has achieved: the restoration to all men of all those natural rights of which nearly every monarchy deprives them. These rights are: total freedom in matters affecting one's person and one's possessions; the right to speak to the nation through the medium of one's pen; to be judged in a criminal case only by a *jury* of independent men; to be judged in all cases only in accordance with the precise wording of the law; to follow peacefully any religion one wishes, eschewing posts available only to anglicans ... (Voltaire 2006, 59–60)

Here then we have a list of what Voltaire had called in his letter to Rolt “the privileges of mankind”: privileges denied by eighteenth century monarchs, whether enlightened or unenlightened. Voltaire thought, for example, that every citizen should have the right to leave the country, knowing full well that he should not have left France in 1750 without permission (*OCV* 36:47; 40:631). To deny one's subjects freedom of movement was, in his view, tyranny. Since Voltaire had chosen to present England as his preferred model he could not argue that all should have a say in passing

legislation and agreeing to taxation, for he was naturally aware that the House of Commons was elected only by a minority, but he was happy to insist that it represented the whole nation because its interests were those of the whole.

Let's consider another attempt by Voltaire to define liberty, in the "Thoughts on Government" of 1752: "Freedom consists in being dependent only on the law. On that basis today every man is free in Sweden, England, Holland, Switzerland, Geneva and Hamburg . . . But there are still provinces and huge Christian kingdoms where most of the people are slaves."¹¹ To define freedom as living under known laws was perfectly normal in the eighteenth century; one finds similar definitions in Montesquieu and Hume.¹² This relatively uncontroversial definition of liberty of course falls far short of Voltaire's account of English freedoms in the *Questions on the Encyclopaedia*, where, as we have seen, freedom includes freedom of religious conscience and of publication, and trial by one's peers.¹³

Voltaire's clear implication here is that in France, in Spain, in Prussia most of the people are slaves—a conclusion which makes it essential to ask how Voltaire understood slavery. In 1752 he clearly rejects the possibility that slavery might be a natural condition: "All men are born equal, but a citizen of Morocco [where slaves were bought and sold] does not suspect the existence of that truth".¹⁴ The problem in France was not that people (or at least the wealthy) were not secure in their rights to property ("There is hardly a country in the world where the fortunes of individuals are more secure than in France") (Voltaire 2006, 219). The problem was that they were subject to arbitrary arrest and imprisonment: Voltaire himself had been repeatedly imprisoned under a *lettre de cachet*, and indeed his father had at one point acquired the right to imprison him by *lettre de cachet*. This amounted to a form of slavery, and, since anybody at any time could be imprisoned under a *lettre de cachet*, no French person could consider themselves free.¹⁵

Slavery is the antithesis not only of liberty but also of equality, which Voltaire regarded as the most fundamental of all rights (OCV 13A:21). Voltaire wrote an entry on equality in the *Philosophical Dictionary*, and then developed his thoughts on the subject in the *Questions on the Encyclopaedia*. The origin of inequality lies in the scarcity of resources; if we could all access everything we needed and wanted no one would be able to dominate anybody else. As it is a few manage to monopolise access to resources and force the majority to work for them. Society as it now exists depends upon economic inequality, which is inescapable; but the real problem is not

¹¹ Voltaire (2006), 216. See also D738.

¹² Krause (2005), 89; Hume (1741), 13.

¹³ On freedom of publication see also Gay (1959), 210.

¹⁴ Voltaire (2006), 217 (translation modified).

¹⁵ On this way of thinking see, for example, Skinner (2002).

inequality, whether of wealth or status, but dependency (*dépendance*), of which slavery is an extreme example.

“Equality” needs to be read alongside Voltaire’s article on property, which is a critique of serfdom as economically inefficient. He acknowledges that not everyone can have enough property to be self-employed; there will always be a need for wage workers. But, if dependency is abolished, wage workers “will be free to sell their work to whoever will pay them most. This liberty stands for them in place of property. The certain expectation of a fair wage will sustain them. They will cheerfully raise their families while engaging in laborious and useful work.” (OCV 43:29) Thus one can have economic inequality while eliminating personal dependency and legal privilege. All can be equal under the law, all can be free to improve their circumstances; but this means eliminating privileges such as exemption from paying tax, exploitative relationships such as serfdom, and arbitrary powers such as the *lettres de cachet*.

Voltaire’s analysis, in “Thoughts” as elsewhere, depends on the introduction of a new term beyond the classic categories of monarchy and tyranny, aristocracy and oligarchy, democracy and anarchy. That term is “despotism” (Koebner 1951; Turchetti 2008). Although one can find a very few occurrences of the word *despotisme* in the seventeenth century, and although the word has an earlier history in the Middle Ages, the index case for its modern usage is probably Castel de Saint-Pierre’s *Discours sur la polysynodie* of 1718; the word was then taken up in Montesquieu’s *Persian Letters* of 1721, and as a consequence it became a fundamental term in Enlightenment political analysis.¹⁶ As Voltaire pointed out in *L’A.B.C.* (1768), this new terminology represented a striking innovation:

Our authors have been pleased (I don’t know why) to call the sovereigns of Asia and Africa *despots*. In days gone by, it was understood that by despot was meant a minor European prince, a vassal of the Turk, a disposable vassal, a kind of crowned slave governing other slaves ... Today we make free with this title for the Emperor of Morocco, the Great Turk, the Pope, the Emperor of China ... Montesquieu defines despotic government thus: “A single man, without laws or rules, who carries everyone along by willpower and impulse.”¹⁷

Voltaire denied that there were any despots in this sense. He had written in “Thoughts on Government”:

In a book full of deep ideas and clever witticisms [the *Spirit of the Laws*], despotism has been included among the natural forms of government. The author, who is a very amusing fellow, wanted to have a joke.

¹⁶ I have searched “despotisme” in Google books looking for influential usages.

¹⁷ Voltaire (2006), 97. See also OCV 80B:320–321.

There is no state that is naturally despotic. There is no country where the people have said to one man: “Sire, we give to your Gracious Majesty the power to take our wives, our children, our possessions and our lives, and to have us impaled in accordance with your own good pleasure and wonderful whim.”¹⁸

And he goes on: “Despotism is the abuse of kingship, just as anarchy is the abuse of republican government. A prince who, without judicial procedure and without justice, imprisons a citizen or causes him to die, is a highway robber they call *Your Majesty*.”¹⁹ Gay writes: Voltaire “was much too adroit and much too cautious to call the French Majesty a highway robber”, but of course that is exactly what he does here (1959, 141). Thus his own use of the term is to refer to governments in which people are not free in that they can be imprisoned at the arbitrary will of the sovereign.

It is important to see what Voltaire is doing here: the whole point of the introduction of the term “despotism” by Montesquieu and others was to avoid using the word “tyranny” and to claim that a despot could be a legitimate ruler. Indeed, Voltaire complained that Montesquieu had deliberately made it difficult to distinguish monarchy from despotism (*OCV* 80B:324). By insisting that “despotism is the abuse of kingship” Voltaire was identifying it with tyranny and insisting that not only was it not a “natural” form of government, it could never be legitimate. Thus where Montesquieu had sought to legitimise a form of government in which one man held absolute and arbitrary power, Voltaire argued in exactly the opposite direction: he sought to delegitimise all governments in which there was any arbitrary power *at all* which could be exercised over individuals, in the process delegitimising the governments of France, Spain, and Prussia. This is a little example of Voltaire saying harsh things without using harsh words.²⁰

18 Voltaire (2006), 220–221. See also the *Supplément* of 1753, below rrr.

19 Voltaire (2006), 221; Gay (1959), 141. Gay is therefore wrong to argue that in this passage “Voltaire carefully distinguished between absolutism and despotism.” He at first glance has a better case when he points to Voltaire’s account of Gustavus Vasa as “happy and absolute” (1959, 101). But Gustavus Vasa was the liberator of his country from the tyranny of the Danes and the bishops; he was elected by the estates general and acknowledged an independent senate; he was absolute not because there were no restraints on his authority but because he was loved. By contrast Charles X aspired to establish despotism and denied he owed his authority to the estates; Charles XI abolished the authority of the senate: Voltaire regarded his rule as absolute, arbitrary, and despotic (*OCV* 4:163–165). In the *Essai sur les mœurs* ch. 188 and in the *Histoire de l’empire de Russie* he counts Charles XI, not Gustavus Vasa, as the first absolute king in Sweden. Gustavus Vasa was thus absolute only in the sense of a king of England, who is all-powerful to do good and powerless to do harm.

20 Besterman was mistaken when he claimed “in Voltaire’s mind monarchical absolutism was not synonymous with tyranny” (1965, 19)—the example he gives to support his claim is the English monarchy, which was hardly absolute.

In the article “Tyranny” in the *Philosophical Dictionary* (1764) Voltaire had written ‘One calls ‘tyrant’ the sovereign who knows no laws but his own caprice, who seizes the wealth of his subjects, and who then enrolls them to go and take that of his neighbours. There are no tyrants like that in Europe.’ (OCV 36:579) Clearly the reader was expected to see that if there weren’t *exactly* tyrants like that in Europe there were certainly tyrants rather like that. In the article “Tyrant” in the *Questions on the Encyclopaedia* he sharpens his argument. The meaning of the word “tyrant” has changed over time, he says: “Nowadays we call someone a tyrant if he is a usurper or if he is a king who does violent and unjust actions.” (OCV 43:412) He then proceeds to give relatively safe (that is to say, Protestant) examples of tyranny, including Henry VIII and Elizabeth I of England—at which point one can surely conclude that there are plenty of tyrants comparable to them in European history.

Most tyrants, he acknowledges, are not overthrown, and die quietly in bed, “but anyway, it will always be a good idea to assure tyrants that they will never find happiness in this world, just as it is a good idea to make our butlers and our cooks believe that they will be damned eternally if they steal from us.”²¹ In principle then Voltaire accepts that all tyrants ought to be overthrown; to overthrow them is simply to follow the sacred law of nature (Voltaire 2006, 84); all, or nearly all, the absolute monarchs of Europe are indeed tyrants; the fact that most of them will not be overthrown is simply an example of the difficulty of putting theory into practice. Voltaire’s position was simple: “I hate all tyranny” he wrote to Damilaville (D11061).

We can now return to slavery. Voltaire’s article on slavery in the *Questions on the Encyclopaedia* starts with the claim that slavery is as old as human history. He treats serfdom as a form of slavery, with the word deriving from the Latin term for slaves, *servi* (while the modern word “slave” comes from the word for “Slav”), and makes clear his complete opposition to the continuing presence of serfdom in France, where there are 50 or 60,000 serfs on ecclesiastical estates, indeed he conducted a campaign for their liberation (OCV 41:222–239). Only the Quakers of Pennsylvania have rejected the slave trade in its entirety. Yet human beings will always prefer freedom to slavery, even if in freedom they live clothed in rags, eating black bread, sleeping on straw, barely protected from the elements. If they have freedom they can hope eventually to become prosperous.

Voltaire turns to an attack on Grotius and Pufendorf, who had argued that one can contract to become a slave.

²¹ OCV 43:414. I will discuss elsewhere Voltaire’s advocacy of belief in a rewarding and avenging God.

Grotius asks if a man captured in war has the right to run away? (and note that he is not talking about a prisoner who has given his word of honor). He decides that he does not have this right. He might as well say that having been injured he does not have the right to seek treatment! Nature decides that Grotius is wrong. (*OCV* 41:231)

Not surprisingly then Voltaire writes: “One must admit that of all wars, that of Spartacus was the most just, and perhaps the only just.” (*OCV* 41:224)

The view that Voltaire expresses on slavery here may surprise, for it is frequently claimed that Voltaire invested in the slave trade. Those making this claim cite only secondary authorities, for the simple reason that there is no primary source to support it; the only supposed source is a nineteenth-century forgery.²²

We can end this second section with Voltaire’s essay on “Venice, and, by the way, on Liberty”. Here Voltaire maintains that states are only free if they are prepared to fight to defend their liberty. He writes a miniature dialogue:

Happy Switzerland, to what charter do you owe your liberty? to your courage, to your determination, to your mountains. —But I am your emperor—but I do not want you to rule over me any more—but your fathers were slaves of my father—that’s exactly why their children don’t want to obey you—but I have the right by virtue of my office—and we, we have the right of nature.

When did the seven United Provinces acquire an incontestable right to be free? at the very moment when they became united; and from that moment it was Philip II who was the rebel. What a great man was William prince of Orange! he began with slaves, and he made them into free men.

Why is liberty so rare?

Because it is the greatest of all goods.²³

Thus each and every society, each and every individual acquires an incontestable right to be free from the moment they prove themselves capable of defending themselves from those who seek to enslave them.

At this point we can sum up Voltaire’s normative political thought very straightforwardly:

- i) only those governments which guarantee the rule of law are legitimate, and only they provide their subjects with what may be termed “liberty”.
- ii) slavery is never legitimate.
- iii) most European rulers are tyrants and their subjects are held in a form of slavery.

²² Deschamps (1972) 167, for example; D.app.269. On Voltaire and slavery see Curran (2011). On Voltaire’s supposed slave-trading, the careful analysis of Lopez (2008) is definitive.

²³ *OCV* 43:431. See also *OCV* 80B:412–16.

- iv) rebellion against tyrants and slave-owners is always legitimate, and one can only wish that it was more often successful.
- v) human beings have, in addition, a right to freedom of conscience and freedom of expression, a right to trial by their peers, and a right to consent to taxation and legislation through their representatives: these rights together represent true freedom.
- vi) in order to claim a right you must be able to defend yourself against those who would take it from you—at which point Voltaire’s normative theory links up with his hard-headed account of how power is held and exercised in practice, an account which leads him to the view that despotism is preferable to anarchy.

3 Voltaire’s Intellectual Context

In order to read Voltaire, in order to understand, for example, his list of “privileges” or “prerogatives” to which all human beings are entitled, we need also to read the texts he read and cared about, we need to read him in context. I will be emphasising three works which are particularly helpful for understanding Voltaire’s views: d’Argenson’s *Considerations sur le gouvernement*, first published in 1764, but read by Voltaire in manuscript in 1739; Montesquieu’s *Esprit des loix* of 1748; and Bargeton’s *Lettres* of 1750 (Vercruyse 1979). Although only one of these works is well-known now, all three were well-known to Voltaire and his philosophical contemporaries: Bargeton’s text went through ten editions. Voltaire, I will argue, is critical of d’Argenson, hostile to Montesquieu, and entirely at one with Bargeton. Indeed much of the difficulty we have in understanding Voltaire’s politics derives, I will suggest, from the fact that few have read Bargeton, and those that have felt a natural reluctance to acknowledge the importance in the evolution of Voltaire’s thinking of a writer so seemingly insignificant.²⁴

Voltaire read d’Argenson first, and expressed enormous admiration for the work to the author, although, significantly he couldn’t see why d’Argenson hadn’t simply taken England as his model (D2008). D’Argenson’s work is bold and puzzling. He proposes to replace the present French monarchy, which tends to despotism and all too clearly betrays its feudal origins, by a mixture of royal rule and representative democracy. Privileged orders will be abolished; local communities will elect representatives; there will be free trade and proportionate taxation. But the monarch will

²⁴ Thus Gay (1959) has read Bargeton, but makes no mention of him in his appendix on “Voltaire and Natural Law” (343–46), which concludes that Voltaire’s references to natural law are merely rhetorical.

remain in control of legislation, and there will be no national representative body, no successor to the Estates General: divide and rule is the fundamental principle of monarchical government. Such a government he believes will be in the interests of both king and people.

D'Argenson's problem is that he has no account of legitimacy. He writes of contracts between kings and their peoples and of fundamental laws, but he never specifies what the fundamental laws are, and he never discusses the circumstances under which subjects might have a right to rebel against a tyrant. Instead he insists that the authority of the sovereign must be absolute or despotic (he uses the two words interchangeably between different manuscript copies of his text), and must be limited only by reason and good advice; only when the sovereign's power is absolute, and shared neither with the aristocracy nor with his ministers, will his interests coincide with those of the nation as a whole.²⁵ Moreover he thinks that the English are unduly obsessed with money, and consequently will never make great warriors (D'Argenson 2019, 89–91), while Voltaire had already reached the view that taxation and public debt needed to follow the English model, and that under modern conditions the wealthiest society would always end up being the most successful in warfare. When Voltaire expressed puzzlement that d'Argenson had not simply recommended the English model he is in fact implying a serious critique of d'Argenson's arguments.

D'Argenson at least saw the urgent need to modernise the French monarchy. On Montesquieu's account, by contrast, the clergy and the nobility, the privileged orders, are crucial bastions upholding monarchy. Where d'Argenson, Bargeton, and Voltaire wanted to abolish privilege, Montesquieu wanted to reinforce it. Voltaire went so far as to foreshadow one of the most radical demands of 1789 when he wrote “the Third Estate is without doubt the nation itself”—it should not be surprising that Sieyès, the author of *Qu'est-ce que le tiers-état?*, had a portrait of Voltaire on the wall of his study.²⁶

Moreover Montesquieu treats his ideal types as independent and stable, while Voltaire recognises that the modern political system involves a competition between

25 D'Argenson (2019), 123–24. Gay writes: “Like most advocates of strong monarchy, d'Argenson was at pains to show that absolutism was not identical with despotism” (1959, 106); but although d'Argenson sometimes refers to despotism as a type of tyranny, at others he uses the term with approval: compare 78, 90, 206, 216 with 90n, 104. The government of China, imperfect but admirable, resembles a despotism but should not be called one (124); rational despotism appears to be a necessary step towards the democratic absolutism of which d'Argenson approves because despotism can, as in Russia, be destructive of aristocratic privilege (117); what one sees in Turkey is despotism “misunderstood” (120). Compare Voltaire's approval for the despotism and tyranny of Louis XI, the first absolute king in Europe since the decadence of the house of Charlemagne: *OCV* 24:447–67.

26 *OCV* 68:390; Sonenscher in Sieyès (2003), xvi.

states at a global level. The test of French monarchy is thus whether it can compete against Prussia and England, and this is a test it was already failing by 1750 and would decisively fail in the course of the Seven Years War.

Finally, Montesquieu attributes a different ethos to each of the main political systems: republics are held together by virtue; monarchies by honour; England by liberty. In the 1752 edition of the “Thoughts on Government” Voltaire responded by arguing that honour was what mattered in the Roman republic: “this desire to be honoured by statues, laurel crowns and triumphal arches made the Romans into conquerors of much of the world. Honour was dependent on a ceremony or on a sprig of laurel or parsley.” (Voltaire 2006, 221) In later editions he dropped this passage and replaced it by a critique of virtue which perhaps derives from Hume (Voltaire owned the 1753 edition of the *Essays, Moral and Political*):

A republic is not founded on virtue at all; it is founded on the ambition of each citizen, which keeps in check the ambition of all the others; on pride which curbs pride; on the wish to dominate which does not allow anyone else to dominate. From all that laws are formed which preserve equality as much as possible. (Voltaire 2006, 222)

Ambition and self-interest are thus the driving principles in all political systems.

We now come to what is, I would argue, the most important source for Voltaire’s political theory, Daniel Bargeton’s *Lettres* (Bargeton 1750), often referred to by the first words of the epigraph on their title page, *Ne repugnante*. In 1750 the state was trying to tax the clergy. Bargeton was paid handsomely to write in support of this policy. Shortly after publication the book (still in its first edition) was banned, but no effort was made to prevent it from circulating. A year later every pamphlet and book discussing the subject, either for or against the government’s policies, some forty in all, was banned (including Voltaire’s *La voix du sage*, which took a line similar to Bargeton’s, and whose arguments were later developed in “Thoughts on Government”), and the government retreated from its attempt to extend its authority.

The argument of *Ne repugnante* is that government exists only to serve the happiness and welfare of the people; that human beings give up none of their natural rights when they enter into civil society; and that privileges (such as the privileges of the clergy) can only be justified if they serve the interests of all. We can find Voltaire, later, making exactly the same argument: “legislation is the art of ensuring the happiness and the safety of peoples; laws which stand in opposition to this are in contradiction with their purpose; and consequently they should be revoked.” (OCV 73:339) Bargeton acknowledged that it was difficult, on this basis, to defend the privileges of the nobility; any intelligent reader would have grasped that it was equally difficult to defend the privileges of the Crown.

Bargeton insisted that our natural rights are part of our essence, therefore we can never contract them away, nor can they be taken from us. Where social contract theorists argued that when we enter political society we give up some of the rights we had in the state of nature, Bargeton insisted that whether we entered a political community by consent or by conquest, our rights remain exactly the same after as before. We might be forced to obey, but we could never be *obliged* to obey a command that we held to be unfair or unjust. Thus we all (slaves presumably included) have the right to be treated equally, and it follows that it is a denial of our rights if we are required to pay more than a fair proportion of our wealth in taxation.²⁷

Bargeton does not use the phrase “state of nature” for he has no use for the concept: our condition, as far as our rights and obligations is concerned, is always the same. So too Voltaire never writes of “the state of nature” to refer to a pre-political condition of the sort described by the social contract theorists; instead when he writes of “the state of nature”, which he often calls “l’état de la pure nature” he always means a state of primitive technology, where human beings live exposed to the elements and without resources.²⁸ And, since our rights cannot be taken from us, Voltaire does not say that people *should be* free; he says they *are* free. (Voltaire 2006, 96).

If Bargeton and Voltaire reject social contract theory, they also reject any notion that political communities are bound by their previous decisions, by customs, conventions, and constitutions. Nature, Voltaire remarks, has predetermined the social life of most species of animals. Bees are ruled by a queen; ants form a democracy. But human beings have been left to fend for themselves, guided only by self-interest and their concern for the welfare of their fellows. “Faites comme vous pourrez”, do the best you can, is their only rule, and doing the best you can often means tearing up existing laws, customs, and conventions because they were invented in quite different circumstances and are no longer fit for purpose (OCV 36:304–305). The

27 Compare Voltaire (2006), 76–80. It is interesting to compare Bargeton with the article on “*Droit de la nature*” written by Boucher d’Argis for vol. 5 of the *Encyclopédie* (1755). The bulk of the article consists of a précis of Burlamaqui, but Boucher d’Argis also holds the view (corresponding to Bargeton, but not Burlamaqui) that “Ce droit naturel étant fondé sur des principes si essentiels, est perpétuel & invariable: on ne peut y déroger par aucune convention, ni même par aucune loi, ni dispenser des obligations qu’il impose.” Burlamaqui, by contrast, is a social contract theorist: the establishment of government means that human beings give up their right to independence of thought and action and acknowledge their dependence on the ruler. Thus the law of nature applies very differently before and after the construction of political communities: conventions restrict its operation, and past conventions can limit our rights in the future. Burlamaqui distinguishes between absolute and arbitrary political power: the former can sometimes be legitimate, but the latter can never be. He fails to follow through, though, with a clear-cut condemnation of slavery. The views of Bargeton and Voltaire are far more radical than those of Burlamaqui.

28 *L’état de [la] pure nature*: OCV 16:299; 22:13; 26C:307; 59:110; Voltaire (2006), 65, 74.

jurists of Franche-Comté appealed to the laws of ancient Rome in justification of the practice of serfdom; the laws of ancient Rome regarding slavery, replied Voltaire, are of no more relevance to the case than their laws regarding the vestal virgins (*OCV* 73:326–327).

Bargeton does not discuss other possible rights, but a right to freedom of conscience and of speech might easily be derived from his argument, and its clear, though unstated, implication is that subjects always retain a right to revolution. In the modern world we are used to thinking of rights (the rights of the United Nations Declaration, for example) as inalienable; but eighteenth-century thinkers did not regard *all* our natural rights as inalienable. Where Grotius had insisted that we can sell ourselves into slavery; where Hobbes had argued we can give up all our rights except the right to self-defence; where Locke had maintained that we give up the right to punish private individuals who do us harm when we enter into the political community, Bargeton simply says that all human rights are necessarily inalienable. One may note that the conventional understanding of marriage was that it involved a woman transferring rights to her husband; we can only surmise how Bargeton would have handled this issue, but we can safely say that Voltaire would not have felt obliged to defend the institution of marriage as conventionally understood.²⁹

It seems to me abundantly clear that the whole of Voltaire's later political theory derives from his reading of Bargeton in 1750. The importance he attributed to the book is clear: on 20 May 1750 he published a little spoof, a supposed condemnation of Bargeton's book by the Holy Office, declaring it to be the work of Antichrist. There is no other example of Voltaire writing in support of another author in exactly the same way as he might write in support of one of his own works (*OCV* 32A:159–173). And thereafter it is precisely Bargeton's trademark doctrine, that all natural rights are inalienable, that Voltaire makes his own.

Bargeton, it is true, does not confine himself to arguments from first principles. He seeks to demonstrate at great length that the rulers of France have in the past taxed the clergy, and if at some point they gave up that right the authority which entitled them to do so is more than sufficient to justify them in reclaiming it. But such historical arguments cannot turn Bargeton into a defender of the fundamental laws of France or of some constitutionalist interpretation of French history; the opening letter effectively dismisses all such arguments as irrelevant to the real issues.

Voltaire, however, is not a simple disciple of Bargeton, for he develops Bargeton's argument in an original direction by redefining the meaning of the word

²⁹ Shanley (1979); see Voltaire's article "Fornication" in the *Encyclopédie* and his essay "Wives Obey Your Husbands", *OCV* 60A:343–48.

“natural”. In *ABC, A* rejects the view that sophisticated, civilised society is somehow less natural than the indigenous societies of the New World; as for Rousseau’s natural man, nothing could be more unnatural:

what if I said to you that it is the savages who have corrupted nature, and that we [the English] are following nature? ... Is it not true that instinct and judgment, two of the oldest sons of nature, teach us to seek out our well-being in everything, and to secure that of other people when it is obvious that their well-being makes for ours? ... Those who invent the arts [i.e. technologies] (which is a great gift from God), those who propose laws (which is infinitely easier) are, therefore, those who have obeyed natural law best: thus the more the arts are cultivated and the more people’s property is protected, the more natural law will in fact have been observed ... what does the solitary, wild savage (if there are such animals on the earth, which I very much doubt) do from morning until night but pervert natural law by being useless to himself and to others? (Voltaire 2006, 131–133)

Nature, in the context of human social life, is thus interpreted not as a starting point but an end towards which our efforts are directed. Voltaire’s account of nature, in opposition to Rousseau’s, is thus teleological and progressive.

What the pamphlet war of 1750–51 over clerical taxation demonstrated is that the Crown couldn’t find a way of defending constructive innovation. Bargeton’s arguments were far too radical: they led straight to revolution. Of course the Crown had to disown them. Constitutionalist arguments trapped the monarchy within traditional structures which no longer worked. And the Church, long the supporter of royal authority, did not hesitate to attack the Crown in defence of its own interests. The complete ban on all publications discussing the subject was an admission of the intellectual bankruptcy of the royalist position; it had become clear that one couldn’t allow any real debate without undermining the regime. The waves had already carved away at the cliff face; the regime was already on the brink of collapse. The middle years of the century were, as Tocqueville claimed, a turning point (Tocqueville 1856, 211).

Bargeton’s text was widely condemned: as often, royal, clerical, and papal condemnation (the work appeared on the Index in 1751) simply boosted sales: indeed contemporaries at first wondered if royal condemnation was not simply a publicity stunt. Every edition after the first carried the text of the royal condemnation (and the condemnation is often bound in with copies of the first edition). The condemnation had become inseparable from the text it condemned. The lesson readers drew from that condemnation was surely not just that the Crown both wanted to appease the clergy and simultaneously advertise an argument against them; it must also have been that the Crown was prepared to turn upon its own supporters, and was incapable of offering a consistent defence of its own policies. Voltaire, abandoning France for Prussia, complained that *La Voix du sage et du peuple* “sustained the rights of the king. But the king hardly cares to have his rights sustained.” (D4206) The same was true of Bargeton’s text.

Standing side by side, *Ne repugnate* and the royal condemnation advertised a simple fact: the Crown had run out of arguments. It is worth remembering that Tocqueville thought that the rise of royal authority, the centralisation of power in the hands of the king and his ministers, had prepared the ground for the egalitarianism of the Revolution and the imperial power of Napoleon. In d'Argenson, in Bargeton, in Voltaire we can see policies being proposed which were bound to have precisely the effects described by Tocqueville; those policies may not have been adopted; the ancien régime may have stumbled on for another 30 years; but we should not imagine that Bargeton and Voltaire (d'Argenson is a very different case) would have been at all disturbed if they had known that their publications were preparing the ground for revolution. We should thus contrast the approach to absolutism of Voltaire with, for example, that of Richard Rolt. Rolt maintained:

Unlimited power in one person, seems to have been the first and natural recourse of mankind from disorder and rapine; and such a government must be acknowledged to be better than no government at all; but all restrictions of power, made by laws, or participation of sovereignty, among several persons, are apparent improvements made upon what began in that unlimited power; for absolute power in one person, as generally exercised, is not indeed government, but, at best, clandestine tyranny, supported by the confederates or rather the favourite slaves, of the tyrant.

Liberty is therefore essential to the happiness of men, and they who resign life itself, rather than part with it, do only a prudent action ... (Rolt 1754, 1:viii)

Voltaire would have agreed with all this, except for the claim that “all restrictions of power ... are apparent improvements.” Restrictions of power which reinforced privilege and inequality were not necessarily to be regarded as improvements, which is why the French Parlements had to be assessed carefully, with some of their actions being approved and others rejected as hostile to liberty, and why Montesquieu's claim that the clergy and the nobility acted as a brake on tyranny must be rejected out of hand (*OCV* 80:320–326).

The English constitution, Voltaire believed, “will last as long as human affairs can last.” But “any state not based upon such principles will experience revolutions.” (Voltaire 2006, 60) Voltaire believed that “A time will come ... [when] the commons will play a part in government, and the English and Swedish style of government [i.e. non-despotic monarchy] will be established in Turkey or thereabouts”, Turkey being here a codeword for France, for he is discussing a country in which at present a nobleman can kill a peasant and then settle the matter by placing ten *écus* on his grave.³⁰ Everything he wrote about French politics was intended to bring closer the

³⁰ Voltaire (2006), 216 (Williams fails to grasp the sense of the passage).

day when the common people (*les communes*, surely a translation of the English “the Commons”) might play their part in government.

But how might they play a part? I think it is evident that Voltaire hoped for a recall of the Estates General, but prior to that, or alongside that, he had great faith in the power of a newly enlightened, newly formed public opinion. It was this, he maintained, which had brought to an end the era of religious wars (OCV 32A:240). In “A Dialogue between a Philosopher and a Controller General” he expresses his confidence in the spread of enlightened views: “At present enlightenment spreads from neighbour to neighbour. The populace still remains in profound ignorance, where the necessity of earning a living, and if I dare say it the interests of the State, must keep it. But the middle rank is enlightened. This rank is very significant; they govern the great, who sometimes do their own thinking, and the little people, who never think at all.” (OCV 32A:80–81) It is sometimes said that Voltaire put his trust in individuals—absolute rulers—rather than institutions. But the press is itself an institution, and if the French press was not free, the French book trade had nevertheless fully played its part in ensuring the dissemination of the new philosophy. This alone, I think, can explain his conviction that an increase in royal power, at the expense of the Church, the nobility of the sword, and the nobility of office, would lead to greater prosperity and liberty. He ends one of his pamphlets in support of the Maupeou reforms, which had abolished the old Parlements and replaced offices that had been bought with a professional bureaucracy, writing “let us be hopeful; and, while revering our monarch by saying *Vive le Roi!* let us also say *Vive la liberté et la propriété!*” (OCV 73:274).

4 Voltaire and the Parlement of Paris

Having laid out the main principles of Voltaire’s theory of liberty, and placed him in the intellectual tradition of Bargeton, I want to turn now to the *History of the Parlement of Paris* (1769) in order to illustrate those principles at work. In the process I want to show that Peter Gay’s thesis, that Voltaire (like d’Argenson) advocated “constitutional absolutism”, misrepresents what Voltaire actually says. Gay claims that the *History* had probably been written at the instigation of the new Chancellor, Maupeou, who would go on to radically reform the Parlements in 1771. It’s true that Voltaire approved of Maupeou’s reforms and, at the time, wrote in their support; but Maupeou came to power in September of 1768 and the *History* was finished by the end of that year. The task of writing it had evidently stretched over several years, and there is no evidence that Maupeou had anything to do with

either its composition or its publication.³¹ To imagine that he did is, inevitably, to impose a royalist reading upon the text, in my view mistakenly. The reading is given plausibility, in Gay's account, by preceding his discussion of the *History of the Parlement* by quotations from Voltaire's correspondence from 1771, and by passages from the *History* added in the edition of 1773; in short by confusing the chronology.

Secondly, Gay adds to Voltaire's charges against the Parlements by referring to actions of theirs which Voltaire studiously leaves out of his history: "Over and over, the parlements had proved themselves reactionary ... from the establishment of the *Académie française* to the *Encyclopédie*, from inoculation against small pox to the gratuitous administration of justice." (1959, 318) But Voltaire makes no mention of the *Encyclopaedia*, or of any other act of censorship (including against his own works) on the part of the Parlement, and he makes no mention of small pox. Indeed he makes no mention of the cases of Calas and Sirven, executed by the Parlements, and a discussion of the cases of La Barre and Lally, added in 1770, was removed in 1775. Thus, with only a temporary lapse, he carefully excludes from his history those topics in which the philosophes were themselves

Gay summarises Voltaire's argument as follows:

from its medieval beginning, the Parlement of Paris has acquired no legislative or administrative rights. Since it did not have the right to try a peer in 1420, it has no right to try the duc d'Aiguillon in the 1760's; since the parlements were created one by one during the Middle Ages, they have no right to associate themselves into a single corps in the eighteenth century; since the first deposit of laws under Philip the Fair was no more than an administrative convenience, eighteenth-century parlements have no constitutional right to veto legislation. This is the burden of Voltaire's *Histoire du parlement de Paris*. (1959, 319)

It should be evident that this isn't how Voltaire thinks about rights. We always have the right to claim new freedoms if we are able to enforce our claim; an argument from history which finds the claim to be novel has no significance as far as Voltaire is concerned in determining whether the claim is legitimate. Whether eighteenth-century parliaments should veto legislation depends on two questions: i) will this advance the welfare and liberties of the nation? and ii) can they enforce their claim?. Nothing else matters. But on the rare occasion when Voltaire does appeal to fundamental laws they are quite simply incompatible with French constitutional tradition: thus liberty of conscience is, we are told, a natural right (OCV 68:365).

Nevertheless, as if Voltaire saw Gay coming, Voltaire goes to great lengths to emphasise two points: i) throughout history, everything changes. The fact that things

³¹ Hanrahan (2009), 129; Gay (1959), 317; Renwick in OCV 68:49,58.

were one way in the past is no indication of how they will be or should be in the future; and ii) in France in particular, there is a fundamental lack of institutional stability, such that one can make almost any claim by appealing to past precedent. The French constitution is in constant flux, so appeals to tradition or precedent are particularly meaningless.³² Thus, to take a single example, when the Sorbonne claimed to be represented in the Estates General of 1614 “its request was rejected with universal laughter, and its claim was regarded as insolent. It was founded on privileges that the university had had in the days of ignorance, and it was made to understand that times had changed, and that practices change with them.” (*OCV* 68:389) That laughter is Voltaire’s laughter.

It’s important to understand the character of Voltaire’s argument against constitutionalism. It’s certainly the case that his primary aim is to refute the claims of the Parlements; but in denying that there is any stable constitution in France Voltaire is equally undermining constitutionalist accounts of royal authority.

Moreover Gay misrepresents Voltaire’s position in a crucial respect. He writes: “in the ridiculous squabbles between Jansenists and Jesuits, the fanaticism of the Jansenist parlements had hardly been more reprehensible than the obstinacy of the Jesuit bishops.” (1959, 318) But this, which implies that the two were in Voltaire’s mind roughly equivalent, is very far from what Voltaire thought. He disapproved strongly of the Jansenist *convulsionnaires*, with their credulous belief in miracles, and so he disapproved of the Parlements’ support for them; but they were relatively harmless, and should have been met, not with persecution but with mockery. Where the Parlement had properly stood firm was in resisting papal authority, above all in insisting that the pope had no right to depose a king of France. The Jesuits and the bishops, in their support for the anti-Jansenist brief *Unigenitus* (1713), had sought to prevent Jansenists from receiving Christian burial—in Voltaire’s view an intolerable interference in the lives of French Christians, and part of a wider programme of the assertion of papal authority, to which he was implacably opposed. “There have been nations where this refusal of burial was a crime worthy of the ultimate punishment, and in the laws of all peoples the refusal of the last duties to the dead is an inhumanity which is punishable.” (*OCV* 68:506) In the conflict between the Parlement and the Catholic Church there can be no doubt about which side Voltaire was on: indeed, as even Gay has to acknowledge in a footnote, Voltaire had declared himself “flatly in favor of the parlement” in 1765 during a recurrence of the conflict over *Unigenitus*. (1959, 330n) In the *History of the Parlement* he writes: “we must note that throughout history this company [the Parlement] has been the shield of France against the enterprises of the court of Rome.” (*OCV* 68:208) And he credits the Parlement with

³² John Renwick in *OCV* 68:65–72.

“saving France” by giving its support to the accession of Henri IV even before his conversion. (OCV 68:234) The first editions of the *History of the Parlement* concluded with the dissolution of the Jesuit order in France at the command of the Parlements: it is simply unimaginable that Voltaire would have ended here, with an action of which he strongly approved, if his purpose in writing had been solely to condemn the Parlements.

Gay’s claim is that Voltaire was a “constitutional absolutist”, that he believed the king ought to rule within certain fundamental laws, even though he could identify no effective way of restraining the king from acting despotically if he should so choose. Gay lists these laws as three: the hereditary character of the Crown, the Salic law (that women could not inherit the throne), and the inalienability of French territory (1959, 315). The first problem with this argument is that Voltaire didn’t believe in “fundamental laws”. As he puts it in the *History of the Parlement*: “an example isn’t a custom; rights are only ever established by necessity, by force, and [only] afterward by habit.” (OCV 68:157) The origin of the Parlements goes back to feudalism. If you ask how medieval monarchs and feudal overlords managed to establish their tyranny, then, Voltaire says in the *History of the Parlement*:

I have no other reply, except that most men are imbeciles, and that it was easy for the successors of the conquering Lombards, Vandals, Franks, Huns, Burgundians, holding castles, being armed from head to foot, and mounted on great horses armoured with iron, to hold under their yoke the inhabitants of the towns and the countryside, who had neither horses nor weapons, and who, busy trying to make a living, believed themselves born to serve. (OCV 68:153)

In *The ABC* (1768) he rejects the whole notion of fundamental laws. A (the Englishman in the dialogue, and thus a defender of liberty) states: “the laws called *basic [lois fondamentales] laws* are, like all others, just laws based on convention, on ancient customs, ancient prejudices which change with the times . . . freedom is the basic law of all nations; it’s the only law against which nothing can be ordained, because it’s the law of nature.” (Voltaire 2006, 165–166) He wrote a whole play, *Les lois de Minos* (published in 1773, but written in late 1771 and early 1772), to demonstrate that bad laws, including so-called fundamental laws, should be abandoned whenever they ceased to serve the interests of the people. In the *Philosophical Dictionary* he writes “If you want to have good laws, burn what you have, and create new ones.” (Voltaire 2006, 20).

Moreover were Voltaire to produce a list of fundamental laws it would have been quite different from the list Gay produces. In the *ABC*, After A has rejected the whole notion of such laws, C asks “Do we not recognise any other basic law[s] [other than that of freedom]?” and A replies:

Freedom covers all of them. Let the farmer not be harassed by some petty tyrant; let it not be possible to imprison a citizen without bringing him to trial promptly before his natural judges, who then decide between him and his persecutor; let a man's meadow and vineyard not be taken from him on the pretext of the public interest without generous compensation; let priests teach morality and not corrupt it; let them set nations an example instead of wishing to dominate them while they grow fat on the people's produce; let the law rule, not capricious impulse. (Voltaire 2006, 167)

B, the Frenchman, had responded to A's attack on the notion of fundamental law with the one word "Amen!" Now C, the aristocrat, replies "The human race is ready to put its name to all that."

Constitutional absolutism, of the sort described by Gay and attributed by him to Voltaire, depended on repeated violations of the principle that citizens should not be imprisoned without trial by their peers. In the first place, in France only members of the highest nobility were entitled to trial by their peers—the jury system, so firmly endorsed by Voltaire, was unknown. Moreover, over and over again, members of the Parlements were imprisoned or exiled by simple *lettre de cachet*—and over and over again Voltaire in his *History* makes clear that this is a despotic act. To be denied trial by one's peers and the right, in one's turn, to sit in judgement on others is, he says, a form of slavery (OCV 68:193–194). England is presented, by contrast, as the ideal to follow, a nation of laws, just as it is the ideal to follow when it comes to taxation and economic policy.

5 Voltaire on Democracy

In the 1760s Voltaire was much involved in the politics of Geneva, trying to reconcile the oligarchs with those whom he called the democrats. At first Rousseau was the intellectual leader of the radicals, and Voltaire, Rousseau's opponent in everything, backed the conservatives. In the second half of 1765 he admitted to d'Argental that it was the democrats who, surprisingly, now had his sympathy and support: this change of heart was made possible by the fact that Rousseau had withdrawn from Genevan politics. It is this experience of political radicalisation which surely underlies the speech in favour of democracy given by B in the *ABC* (1768), for in general B seems to represent Voltaire's own views:

I like to see free men themselves make the laws under which they live, just like they have made their houses. I find it pleasing that my mason, my carpenter, my blacksmith, who all helped me build my house, my neighbour the farmer, and my friend the mill-owner [*manufacturier*], all rise above their trades, and understand the public interest better than the most arrogant Tchaouch in Turkey. No ploughman, no artisan in a democracy has to fear harassment and contempt. No-one is in the position of that hatter who presented his bill to a peer and duke so

that he could be paid for his services. “Have you received nothing on account, my dear fellow?”
 “Sorry, my lord, I did receive a slap in the face from his lordship your Intendant.”

It's very nice not to be liable to be dragged off for life to some dungeon for not having paid a man you don't know a tax whose value and reason for existence are unknown to you.

To be free, to have only equals, is the true, natural life of man. Anything else is shameful pretence, a black comedy in which someone plays the master and someone else the part of the slave, one that of parasite, the other that of pimp. You'll agree with me that men can only have left their natural condition through cowardice and stupidity ... (Voltaire 2006, 126–127)

Part of the great enterprise of enlightenment, in Voltaire's view, was to bring this black comedy to an end.

6 Voltaire's Hypocrisy

And yet, nothing about Voltaire is straightforward. As I worked on this article one thing puzzled me: almost everyone describes Voltaire as a proponent of absolutism, yet I couldn't find them quoting a passage in which he praised absolutism or (without evident reservations) an absolutist monarch. So I went in search of one and indeed I found one. There is one text we must now consider which gives us a very striking picture either of Voltaire's politics, or (as I will suggest) of his character. The year was 1753; Voltaire was in Berlin, his relationship with Frederick the Great was under great strain, but there was still hope of a reconciliation. He had fallen out with a young French Protestant, La Beaumelle, who was an ally of his enemy, Maupertuis, who had won Frederick's backing. La Beaumelle had written:

Look where you like in ancient or modern history, you will not find another example of a prince who has given a pension of seven thousand écus to a man of letters, because he is a man of letters. There have been greater poets than Voltaire. There has never been a poet who has been so well rewarded, for taste has never set a limit to his rewards. The king of Prussia heaps rewards upon men of talent for exactly the same reasons as cause a German princeling to heap rewards on a fool or a dwarf. (La Beaumelle 1751a, 69–70)

Voltaire was, not surprisingly, offended—the two were consequently at daggers drawn, and would continue to be as long as they both lived. La Beaumelle had gone on to publish an annotated edition of Voltaire's *History of the Age of Louis XIV* in which he pointed out what he took to be Voltaire's errors and misjudgements. Voltaire replied in the “Supplement to the Age of Louis XIV.” Meanwhile La Beaumelle went to Paris, where he was imprisoned in the Bastille for eight months for one of his annotations which was taken to be disrespectful of the Regent; he was

convinced that Voltaire had something to do with his imprisonment, and he was right for he had been reported to the authorities by Voltaire's lover Mme Denis. Voltaire would in addition be responsible for his imprisonment for the whole of 1757, after his publication of his *Mémoires pour servir à l'histoire de Madame de Maintenon*, and for his arrest in 1767 on the potentially capital charge of being a Protestant minister and unlicensed preacher. In 1764 La Beaumelle had married Rose Victoire, the sister of Gaubert Lavaysse, who had been tried with Jean Calas for the supposed murder of Calas's son. Voltaire regarded this alliance with his enemy as a betrayal on the part of the Lavaysse family, and went so far as to threaten not to come to the defence of Jean-Paul Sirven, whose trial was widely seen as a re-run of the Calas case, in retaliation.

And yet at first sight one might think that La Beaumelle and Voltaire were natural allies. Both, after all, were advocates of religious toleration and freedom of the press (La Beaumelle 1748a, 1748b). Both admired England and English liberty. But, despite these similarities, they belonged to opposed factions. La Beaumelle was an admirer of Montesquieu (La Beaumelle 1751b, 1753), Voltaire a critic. La Beaumelle favored toleration because he was a Protestant, Voltaire because he was an unbeliever – Maupertuis (1750) and La Beaumelle (1763b) had in common the defence of Christianity against the deists. La Beaumelle's Protestantism meant that he was vulnerable. Voltaire believed that he was a Protestant minister in disguise, and there may be some truth in this: if he is indeed the author of the *Préservatif contre le déisme* he was certainly prepared to adopt the persona of a Protestant minister. But nothing can justify Voltaire's determination to have him imprisoned and, if possible, killed. It was a simply horrendous abuse of power.

The story of the relationship between Voltaire and La Beaumelle is one in which neither was in the right (La Beaumelle forced Voltaire to publish *La pucelle* in 1755 by announcing the publication of his own unauthorised text, and he continued to publish attacks on Voltaire even when insisting that he had not done so). But Voltaire could easily have ignored La Beaumelle's attacks, while Voltaire's attacks on La Beaumelle were intended to place him in fear of his life. Voltaire complained vigorously that Rousseau had grassed him up to the authorities by naming him as the author of the *Sermon des cinquante* (e.g. D13149), although in doing so he had placed him in no real danger; but he felt no compunction in repeatedly betraying La Beaumelle, although the consequences were serious and potentially fatal.

La Beaumelle had complained in his edition of *The Age of Louis XIV* that Voltaire had referred to Louis as an absolute ruler who (at least at one point in his reign) did well, and to the French as living under a despotism. In his view France was, or should be, a constitutional monarchy. "An absolute king who means well is a construct of

pure theory, and Louis XIV at no time was such a chimerical creature.” (OCV32C:333) This remark, Voltaire said, was false, and should be punished. It was a crime, an insult to the kings of France. La Beaumelle would later, justifiably, protest the ease with which Voltaire slipped from defending his own freedom to publish to seeking to have imprisoned those who sought to exercise the same freedoms (1754, 66). Indeed Voltaire’s denunciation of La Beaumelle as a criminal for failing to praise Louis XIV is quite simply disgusting. By the time copies of the book arrived in France, La Beaumelle was already in prison, so as it turned out the denunciation was superfluous, and consequently embarrassing (D5290).

Voltaire continued:

an absolute king, when he is not a monster, can only wish for the greatness and prosperity of his State, because it is identical to his own greatness and prosperity, just as every head of a family wants the best for his household, and it would be unnatural for him to wish harm for his kingdom.

This was the line of argument employed, of course, by many royalists, including d’Argenson. Voltaire then went on to defend his references to despotism. He made two points which will now be familiar: the word “despotism” had changed in meaning; and there is no state which corresponds to the absolute, arbitrary government conveyed by modern usages of the term (OCV 32C:333–335). The result of all this, La Beaumelle would later remark, was to suggest that France was a despotism like Turkey, but Turkey wasn’t such a bad despotism as it was rather like France (1754, 68).

“I must say”, wrote Voltaire

that I meant by the despotism of Louis XIV the use, always firm and sometimes excessive, that he made of his legitimate power. If on occasion he used this power to bend laws of the State which he ought to have respected, posterity will condemn him for doing so: it was not my job to pass judgement on him, but I defy anyone to find another monarchy on earth in which the laws, distributive justice, the rights of humanity were less crushed underfoot and in which greater things were done for the public welfare, than during the fifty-five years of Louis XIV’s personal rule. (OCV 32C:335)

Now this was simply a lie. One need consider only the persecution of the Protestants under Louis XIV and the Revocation of the Edict of Nantes to know that Louis had crushed the rights of humanity underfoot in the most horrible fashion. In his history Voltaire had handled the topic with exquisite care, but his conviction that the Revocation was not only stupid and cruel but also contrary to the rights of Louis’ subjects is apparent to anyone who can read.³³ Voltaire’s praise of Louis here goes

³³ He describes his book as one in which *les choses les plus délicates sont traitées avec la circonspection la plus sévère* (OCV 32C:360). See The Age of Louis XIV chapter 36.

well beyond anything he had written in the *History*. Its purpose is simply to clear Voltaire's name with Frederick II (who would have wanted to see the rights of absolute monarchs upheld) and with Louis XV, for as Voltaire's relationship with Frederick deteriorated he had to consider the possibility of seeking to return to France.

We have seen that Voltaire wanted to strengthen the Crown in its relationship to the Church, the nobility, and institutions of privilege such as the Parlements. Doing so would strengthen the king's sense that the interests of the country and his own interests were aligned. La Beaumelle called this Hobbism, and one can see why (1754, 65). But Voltaire knew that Louis XIV had fought wars which were designed to win glory and expand his state, but in no way served the welfare of his subjects. He knew that Louis's rule had been arbitrary and despotic. La Beaumelle was later to publish an excoriating response in which he listed Louis's tyrannical acts, but Voltaire knew inside out the case against Louis (1763a, 82–99). The passage in the *Supplement* in which he praises him is simply dishonest, and written to advance his own interests and get La Beaumelle into trouble.

At another point he protests at La Beaumelle saying that his views on the absolute powers of the Regent would turn the French into slaves.

I, I want my fellow citizens to be slaves! I would be happy to be a slave myself if everybody else could be free. I mean by free, subjected only to the laws. That's the only way in which one can be [free]. (OCV 32C:359)

Voltaire certainly thought that the rule of law represented a basic definition of freedom; and perhaps he meant to say that the rule of law was a precondition for any meaningful freedom, but he could easily be understood as saying that freedom could never extend beyond the rule of law to include other freedoms, such as the right to religious toleration. Again, one cannot help but feel that he was writing what he thought Frederick would want to read—he made clear in a letter to Mme Denis that his aim in writing against La Beaumelle was to win Frederick's approval—not what he himself believed (D5495). Can one conclude from this that Voltaire favored, as La Beaumelle claimed, a Hobbesian absolutism? I don't think so; though he certainly thought absolute monarchy was preferable to the petty tyranny of the nobility and the magistrates.

Voltaire was nothing if not a realist. The rule of a Louis XI, a Louis XIV or a Frederick II could at least provide order and stability; often one had to settle, and appear to do so cheerfully, for what one could get. And so we are left with two typically Voltairian paradoxes. He defended absolutism, but he admired England, and he dreamt of democracy. He campaigned for freedom of the press, but he had La Beaumelle locked up for exercising that freedom. To ask which was the real Voltaire

is to go against Voltaire's own account of the complexity and confusion of human nature (OCV 32C:353–57). What we can say is that Voltaire was at his most original, and most intellectually serious, when he made the case for the inalienability of our natural rights; and that he was at his most hypocritical and vicious when he wrote in defence of absolutism.

Why did La Beaumelle bring out the very worst in Voltaire? Why did he break his self-imposed rule, that he would never write in his own defence, in order to reply to him? The answer is, I think, that La Beaumelle's uncharitable reading of *The Age of Louis XIV* exposed to the public view the fundamental difficulty of Voltaire's politics. He wanted to defend liberty and freedom of conscience, while at the same time insisting that philosophy was no threat to the authority of sovereign rulers, and that absolute power was often preferable to feudal privilege. He expected his readers to understand that he did not always mean to be understood literally. Thus he wrote of the Protestant rebels of the Cevennes, driven to an uprising by the tyrannical behaviour of the king: "The king first sent the Marshal of Mont-Revel with some troops. He made war against these wretches as they deserved he should. Prisoners were broken on the wheel and burnt at the stake." La Beaumelle's note on this remark seems entirely justified: "No community deserves that war should be made against it in this way, and this type of proceeding is fit only for savages and Christians." (OCV 32C:360).

But Voltaire's offensive comment needs to be placed in context, and as soon as it is it becomes apparent that his intent is to open up the possibility of divergent readings of his text:

A large part of the country secretly supported [the rebels]. Their war cry was: *No taxes and liberty of conscience*. This cry seduced the populace everywhere. These uprisings justified the plan Louis XIV had to extirpate Calvinism. But, without the revocation of the Edict of Nantes, there would have been no uprisings to combat.

The king first sent the Marshal of Mont-Revel with some troops. He made war against these wretches as they deserved he should. Prisoners were broken on the wheel and burnt at the stake. But equally, the [king's] soldiers, who fell into the hands of the rebels, died horrific deaths. (OCV 13D:90)

It would be quite wrong to read this passage, or the longer discussion of which it forms part, in which Voltaire portrays the leader of the rebellion as a heroic figure who had got the better of the French army, as an example of Voltaire taking the side of an absolutist monarch against his people. Rather, Voltaire seeks to display a philosophical detachment from fanatics on both sides; but, if his sympathy lies anywhere, it is not with Marshal Montrevel, but with those who cry *No taxes and liberty of conscience*. Thus what most infuriated Voltaire about La Beaumelle's

reading was that it placed him in an impossible position: he dared not say that he sympathised with the rebels, and so he was forced to do precisely what he had not done in the original text, which was to come out unequivocally on the side of authority. Voltaire's fury was directed not just at La Beaumelle, but at his own equivocation. What made La Beaumelle's attack inexcusable was that La Beaumelle said outright what Voltaire dared only say in code.

And yet even in his reply to La Beaumelle Voltaire makes clear his love of liberty. "The love of liberty", he writes, "is the passion of republicans, the natural right of human beings, the desire to conserve a good with which each individual believes himself to be born, it is the appropriate love of oneself bound up together with the love of one's country." (*OCV* 32C:377) Here liberty is much more than mere freedom under the law; it is a passion, a right, a love incompatible with absolutism, but felt by every human being, and by Voltaire more than most. In 1767 Voltaire put on the Parisian stage a tragedy, *The Scyths*. He encouraged d'Alembert to go and see it. "I recommend those hoodlums [the Scyths] to you. They have a crazy love of liberty, as do I." (D14019).

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