

# SIEYES: WHAT IS THE THIRD ESTATE?

[The Abbé Emmanuel Joseph Sieyès (1748-1836) was born in the town of Fréjus, and educated for the clergy in Paris. He became a priest in 1773. Sieyès attracted attention in the early days of the French Revolution with a pamphlet, *Qu'est-ce que le tiers état?* ("What Is the Third Estate?" 1789). By being cautious, moderate, and usually noncommittal, he remained influential throughout the Revolution. A member of the Estates-General (1789), the National Convention (1792-95), the Council of Five Hundred (1795-99), and the Directory (1799), Sieyès was one of those who helped launch the political career of Napoleon after the latter had won popularity by his military victories.]

## THE THIRD ESTATE IS A COMPLETE NATION

What does a nation require to survive and prosper? It needs private activities and public services.

The private activities can all be comprised within four classes of persons.

1) Since land and water provide the basic materials for human needs, the first class, in logical order, includes all the families connected with work on the land.

2) Between the initial sale of goods and the moment when they reach the consumer or user, goods acquire an increased value of a more or less compound nature through the incorporation of varying amounts of labor. In this way human industry manages to improve the gifts of nature and the value of the raw material may be multiplied twice, or ten-fold, or a

hundred-fold. Such are the activities of the second class of persons.

3) Between production and consumption, as also between the various stages of production, a variety of intermediary agents intervene, to help producers as well as consumers; these are the dealers and the merchants. Merchants continually compare needs according to place and time and estimate the profits to be obtained from warehousing and transportation; dealers undertake, in the final state, to deliver to goods on the, wholesale and retail markets. Such is the function of the third class of persons.

4) Besides these three classes of useful and industrious citizens who deal with things fit to be consumed or used, society also requires a vast number of special activities and of services directly useful or pleasant to the person. This fourth class embraces all sorts of occupations, from the most distinguished liberal and scientific professions to the lowest of menial tasks.

Such are the activities which support society. But who performs them? The Third Estate.

Public services can also, at present, be divided into four known categories; the army, the law, the Church and the bureaucracy. It needs no detailed analysis to show that the Third Estate everywhere constitutes nineteen-twentieths of them, except that it is loaded with all the really arduous work, all the tasks which the privileged order refuses to perform. Only the well paid and honorific posts are filled

by members of the privileged order. Are we to give them credit for this? We could do so only if the Third Estate was unable or unwilling to fill these posts. We know the answer. Nevertheless, the privileged have dared to preclude the Third Estate. "No matter how useful you are," they said, "no matter how able you are, you can go so far and no further. Honors are not for the like of you." The rare exceptions, noticeable as they are bound to be, are, mere mockery, and the sort of language allowed on such occasions is an additional insult.

If this exclusion is a social crime, a veritable act of war against the Third Estate, can it be said at least to be useful to the commonwealth? Ali! Do we not understand the consequences of monopoly? While discouraging those it excludes, does it not destroy the skill of those it favors? Are we unaware that any work from which free competition is excluded will be performed less well and more expensively?

When any function is made the prerogative of a separate order among the citizens, has nobody remarked how a salary has to be paid not only to the man who actually does the work, but to all those of the same caste who do not, and also to the entire families of both the workers and the nonworkers? Has nobody observed that as soon as the government becomes the property of a separate class, it starts to grow out of all proportion and that posts are created not to meet the needs of the governed but of those who govern them? Has nobody noticed that while on the one hand, we basely and I dare say stupidly accept this situation of ours, on the other hand, when we read the history of Egypt or stories of travels in India, we describe the same kind of conditions as despicable, monstrous, destructive of all industry, as inimical to social progress, and above all,

as debasing to the human race in general and intolerable to Europeans in particular?

It suffices to have made the point that the so called usefulness of a privileged order to the public service is a fallacy-, that, without help from this order, all the arduous tasks in the service are performed by the Third Estate; that without this order the higher posts could be infinitely better filled; that they ought to be the natural prize and reward of recognized ability and service; and that if the privileged have succeeded in usurping all well-paid and honorific posts, this is both hateful iniquity towards the generality of citizens and an act of treason to the commonwealth. Who is bold enough to maintain that the Third Estate does not contain within itself everything needful to constitute a complete nation? It is like a strong and robust man with one arm still in chains. If the privileged order were removed, the nation would not be something less but something more. What then is the Third Estate? All; but an wall" that is fettered and oppressed. What would it be without the privileged order? It would be all; but free and flourishing. Nothing will go well without the Third Estate; everything would go considerably better without the two others.

It is not enough to have shown that the privileged, far from being useful to the nation, can only weaken and injure it; we must prove further that the nobility is not part of our society at all: it may be a burden for the nation, but it cannot be part of it.

First, it is impossible to find what place to assign to the caste of nobles among all the elements of a nation, I know that there are many people, all too many, who, from infirmity, incapacity, incurable idleness or a collapse of morality, perform no functions at all in society. Exceptions and

abuses always exist alongside the rule, particularly in a large commonwealth. But all will agree that the fewer these abuses, the better organized a state is supposed to be. The most ill-organized state of all would be the one where not just isolated individuals but a complete class of citizens would glory in inactivity amidst the general movement and contrive to consume the best part of the product without having in any way helped to produce it. Such a class, surely, is foreign to the nation because of its idleness.

The nobility, however, is also a foreigner in our midst because of its civil and political prerogatives.

What is a nation? A body of associates living under common laws and represented by the same legislative assembly, etc.

Is it not obvious that the nobility possesses privileges and exemptions, which it brazenly calls its rights and which stand distinct from the rights of the great body of citizens? Because of these special rights, the nobility does not belong to the common order, nor is it subjected to the common laws. Thus its private rights make it a people apart in the great nation. It is truly *imperium in imperio*.

As for its political rights, it also exercises these separately from the nation. It has its own representatives who are charged with no mandate from the People. Its deputies sit separately, and even if they sat in the same chamber as the deputies of ordinary citizens they would still constitute a different and separate representation. They are foreign to the nation first because of their origin, since they do not owe their powers to the People; and secondly because of their aim, since this consists in defending not the general interest, but the private one.

The Third Estate then contains everything that pertains to the nation while nobody outside the Third Estate can be considered as part of the nation. What is the Third Estate? Everything.

## WHAT HAS THE THIRD ESTATE BEEN UNTIL NOW? NOTHING

We shall examine neither the condition of servitude in which the People have suffered for so long, nor that of constraint and humiliation in which it is still confined. Its status has changed in private law. It must change still further: the nation as a whole cannot be free, nor can any of its separate orders, unless the Third Estate is free. Freedom does not derive from privileges. It derives from the rights of citizens and these rights belong to all.

If the aristocrats try to repress the People at the expense of that very freedom of which they prove themselves unworthy, the Third Estate will dare challenge their right. If they reply, "by the right of conquest," one must concede that this is to go back rather far. Yet the Third Estate need not fear examining the past. It will betake itself to the year preceding the "conquest"; and as it is nowadays too strong to be conquered it will certainly resist effectively. Why should it not repatriate to the Franconian forests all the families who wildly claim to descend from the race of the conquerors and to inherit their rights of conquest?

If it were purged in this way, I think the nation might well recover from the thought that thence forward it would be reduced to the descendants of mere Gauls and Romans. When our poor fellow citizens insist on distinguishing between our

lineage and another, could nobody reveal to them that it is at least as good to be descended from the Gauls and the Romans as from the Sicambrians, Welches and other savages from the woods and swamps of ancient Germany? "Time enough," some will say-, "but conquest has upset all relationships and hereditary nobility now descends through the line of the conquerors." Well, then; we shall have to arrange for it to descend through the other line! The Third Estate will become noble again by becoming a conqueror in its own turn.

But, if we accept that all races are mixed-, if the blood of the Franks (none the better for being pure) now mingles with the blood of the Gauls; if the fathers of the Third Estate are the fathers of the whole nation; can we not hope that one day will see the end of this long parricide which one class is proud to commit day after day against all the others? Why should not reason and justice, even grown as powerful as vanity, press so hard upon the privileged order that, moved by a new, truer and more social interest, it requests its own regeneration within the order of the Third Estate?

Let us pursue our theme. By Third Estate is meant all the citizens who belong to the common order. Anybody who holds a legal privilege of any kind deserts the common order, stands as an exception to the common laws and, consequently, does not belong to the Third Estate. As we have already said, a nation is made one by virtue of common laws and common representation. It is indisputably only too true that in France a man who is protected only by the common laws is a nobody, whoever is totally unprivileged must submit to every form of contempt, insult and humiliation. To avoid being completely crushed, what must the unlucky non-privileged person do? He has to attach

himself by all kinds of contemptible actions to some magnate; he prostitutes, his principles and human dignity for the possibility of claiming, in his need, the protection of a somebody.

But we are less concerned in this book with the civil rights of the Third Estate than with its relationship to the constitution. Let us see what part it plays in the Estates-General.

Who have been its so-called "Representatives? Men who have been raised to the nobility or have received temporary privileges. These bogus deputies have not even been always freely elected by the People. In the Estates-General sometimes, and in the Provincial Estates almost always, the representation of the People is considered as inherent in the holder of certain offices.

The old aristocracy detests new nobles; it allows nobles to sit as such only when they can prove, as the phrase goes, "four generations and a hundred years." Thus it relegates the other nobles to the order of the Third Estate to which, obviously, they no longer belong.

In law, however, all nobles are equal those whose nobility dates from yesterday just as much as those who succeed for better or for worse in hiding their origins or their usurpation. In law all have the same privileges. Only opinion distinguishes between them. But if the Third Estate must endure a prejudice sanctioned by law, there is no reason why it should submit to a prejudice contrary to law.

Let them create as many noblemen as they like; it still remains certain that the moment any citizen is granted privileges against the common laws, he no longer forms part of the common order. His new interest is contrary to the general interest;

he becomes incompetent to vote in the name of the People.

According to the same undeniable principle, those who merely hold temporary privileges must also be debarred from representing the Third Estate. Their interest, too, is in greater or lesser part opposed to the – common interest; and although opinion assigns them to - the Third Estate and the law does not mention them; the nature of things, stronger than both opinion and the law, sets them irresistibly apart from the common order.

It is objected that to remove from the Third Estate not only those with hereditary privileges, but even those with mere temporary ones, is to try, from sheer wantonness, to weaken that order by depriving it of its more enlightened, courageous and esteemed members.

The last thing I want to do is to diminish the strength or dignity of the Third Estate, since, in my mind, it is completely coincident with my idea of a nation - But can we, whatever our motives, arrange for truth to cease to be truth? If an army has the misfortune to be deserted by its best soldiers, are these the troops it entrusts with the defense of its camp? One cannot say it too often: any privilege runs contrary to common laws; hence, all those who enjoy privileges, without exception, constitute a separate class opposed to the Third Estate. At the same time, I must point out that this should not alarm the friends of the People. On the contrary, it takes us back to the higher national interest by showing the urgent necessity for immediately suppressing all temporary privileges which split the Third Estate and may seem to oblige it to put its destiny in its enemies' hands. Besides, this remark must not be separated from the ensuing one: the abolition of privileges within the Third Estate does not mean the loss of

immunities which some of its members enjoy. Such immunities are nothing but common rights and it was totally unjust to deprive the main part of the People of them. Thus, I am not calling for the loss of a right but for its restitution, and should it be objected that the universalization of certain privileges e.g. not balloting for militia service would make it impossible to satisfy various public needs, my answer is that any public need is the responsibility of everybody and not of a separate class of citizens, and that one must be as ill-acquainted with reasoning as with fairness if one cannot think of a more national means of constituting and maintaining whatever kind of army one wants to have.

Consequently, either because they were never elected at all; or because they were not elected by the full membership of the Third Estate of towns and rural areas who were entitled to be represented or because, owing to their privileges, they were not even eligible; the so-called deputies of the Third Estate who have sat until now in the Estates-General never had a real mandate from the People.

Some occasionally express surprise, at hearing complaints about a three-fold "aristocracy composed of the army, the Church and the law." They insist that this is only a figure of speech; yet the phrase must be understood strictly. If the Estates-General is the interpreter of the general will, and correspondingly has the right to make laws, it is in this capacity, without doubt, that makes it a true aristocracy: whereas the Estates-General as we know it at present is simply a clerico-nobiliary assembly.

Add to this appalling truth the fact that, in one way or another, all departments of the executive have also fallen into the hands of the caste that provides the Church, the

law and the army. As a result of a spirit of brotherhood or comradeship, nobles always prefer each other to the rest of the nation. The usurpation is total; in every sense of the word, they reign.

If you consult history in order to verify whether the facts agree or disagree with my description, you will discover, as I did, that it is a great mistake to believe that France is a monarchy, with the exception of a few years under Louis XI and under Richelieu and a few moments under Louis XIV when it was plain despotism, you will believe you are reading the history of a Palace aristocracy. It is not the King who reigns; it is the Court. The Court has made and the Court has unmade; the Court has appointed ministers and the Court has dismissed them; the Court has created posts and the Court has filled them ... And what is the Court but the head of this vast aristocracy which overruns every part of France, which seizes on everything through its members, which exercises everywhere every essential function in the whole administration? So that in its complaints the People has grown used to distinguishing between the monarch and those who exercise power. It has always considered the King as so certainly misled and so defenseless in the midst of the active and all-powerful Court, that it has never thought of blaming him for all the wrongs done in his name.

Finally, is it not enough simply to open our eyes to what is occurring around us at this very moment? What do we see? The aristocracy on its own, fighting simultaneously against reason, justice, the People, the minister and the King. The end of this terrible battle is still undecided. Can it still be said that the aristocracy is only a chimera!

Let us sum up: to this very day, the Third Estate has never had genuine representa-

tives in the Estates-General. Thus its political rights are null.

## WHAT OUGHT TO HAVE BEEN DONE? BASIC PRINCIPLES

In every free nation, and every nation ought to be free, there is only one way of settling disputes about the constitution. One must not call upon Notables, but upon the nation itself. If we have no constitution, it must be made, and only the nation has the right to make it. If we do have a constitution, as some people obstinately maintain, and if, as they allege, it divides the National Assembly into three deputations of three orders of citizens, nobody can fail to notice, at all events, that one of these orders is protesting so vigorously that nothing can be done until its claim is decided. Now, who has the right to judge in such a matter?

A question of this nature could only seem unimportant to those who disparage just and natural methods of handling social affairs and put their trust in the factitious qualities, usually rather undesirable and devious, on which the reputations of so-called statesmen, the alleged "leading politicians," are based. As for us, we shall not deviate from the moral rule; morality must determine all the relationships which bind men to each other, both in their private interests and in their common or social interest. Morality must point out the way for us; and, after all, only morality can do so. We must always go back to basic principles for they are more cogent than all the achievements of genius.

We shall never understand social machinery unless we examine a society as though it were an ordinary machine. It is necessary to consider each part of it separately, and then link them all together in the

mind in due order, to see how they fit together and hear the general harmony that necessarily follows... We shall at least ask the reader to distinguish three periods in the making of, a political. society, and these distinctions will pave the way for such explanation as it necessary.

In the first period, we assume a fairly considerable number of isolated individuals who wish to unite; by this fact alone, they already constitute a nation: they enjoy all the rights of a nation and it only remains for them to exercise them. This first period is characterized by the activity of the individual wills. The association is their work; they are the origin of all power.

The second period is characterized by the action of the common will. The associates want to give consistency to their union; they want to fulfill its aim. They therefore discuss and agree amongst themselves on public needs and on ways of satisfying them. We see that power, then, belongs to the community. them. We see that power, then, belongs to the community. Individual wills still constitute its origin and form its essential components; but, taken separately, they would be powerless. Power exists only in the aggregate. The community needs a common will; without singleness of will it could not succeed in being a willing and acting body. It is certain, also, that this body has no rights other than such as derive from the common will.

But let us leap the lapse of time. The associates are now too numerous and occupy too large an area to exercise their common will easily by themselves. What do they do? They separate out whatever is necessary to attend to and satisfy public requirements; and they put a few of their number in charge of exercising this portion of the national will, that is to say this portion, of power. We have now reached the third period, the period of govern-

ment by proxy. Let us point out a few facts: 1) The community does not cast aside its right to will: this is inalienable; it can only delegate the exercise of that right. This principle is elaborated elsewhere. 2) Nor can it delegate the full exercise of it. It delegates only that portion of its total power which is needed to maintain order. In this matter, no more is surrendered than necessary. 3) Therefore, it does not rest with the body of delegates to alter the limits of the power that has been entrusted to them. Obviously such a competence would be self-contradictory.

I distinguish the third period from the second in that it is no longer the real common will which is in operation, but a representative common will. It has two ineffaceable characteristics which we must repeat. 1) This will which resides in the body of representatives is neither complete nor unlimited; it is a mere portion of the grand, common, national will. 2) The delegates do not exercise it as a right inherent in themselves, but as a right pertaining to other people; the common will is confided to them in trust.

For the moment I put aside a mass of problems which this discussion naturally gives rise to, and go straight on. What is meant by the political constitution. of a society? And what is its exact relationship to the nation itself?

It is impossible to create a body for any purpose without giving it the organization, procedures and laws appropriate for it to fulfil its intended functions. This is called the constitution of this body. Obviously, the body cannot exist without it. Therefore, it is equally obvious that every government in general is true for each of its components. Thus the Assembly of Representatives which is entrusted with the legislative power, i.e. the exercise of the common will, exists only in the form

which the nation has chosen to give it. It is nothing outside the articles of its constitution; only through its constitution can it act, conduct its proceedings and govern...

What ought to have been done amidst all the difficulties and disputes about the coming Estates General? Should we have convened Notables? No. Should we have let the nation and its interests languish? No. Should we have exercised diplomacy upon the interested parties to persuade them all to compromise? No. We should have resorted to the extreme measure of calling an extraordinary representative body. It is the nation that ought to have been consulted.

Let us answer two questions which still remain. Where is the nation to be found? Whose function is it to consult the nation?

1) Where is the nation to be found? Where it is; in the 40,000 parishes which embrace the whole territory, all its inhabitants and every element of the commonwealth; indisputably, the nation lies there. A geographical division would have been chosen so that "arrondissements" of 20 to 30 parishes could easily form and elect first deputies. Along similar lines, "arrondissements" would have formed provinces; and the provinces would have sent to the capital authentic extraordinary representatives with special powers to decide upon the constitution of the Estates-General.

You object that this procedure would have entailed too much delay? Surely no more than the succession of expedients which have simply led to further confusion. Besides, it was not a question of saving time, but of adopting workable measures to achieve the aim. Had people been willing and able to stick to true principles, more could have been done for the nation in four months than the progress

of enlightenment and public opinion, powerful none the less as I believe it to be, could do in half a century.

But, if the majority of the citizens had nominated extraordinary representatives, what would have happened, you may ask, to the distinction between the three orders? What would have become of privileges? They would have become what they deserve to be. The principles which I have just recited are certainties. Abandon the hope of having social order, or else accept these principles. The nation is always free to amend its constitution. Above all, it cannot absolve itself from the responsibility of giving certainty to a disputed constitution. Everybody agrees on that to-day; cannot you see, then, that the nation could not interfere if it were itself merely a participant in the dispute? A body subjected to constitutional forms cannot take any decision outside the scope of its constitution. It cannot give itself another one. It becomes null and void from the moment when it moves, speaks or acts in any other than the prescribed forms. Even if the Estates-General were already in session, it would therefore be incompetent to decide upon the constitution. Such a right belongs only to the nation which, we continue to reiterate, is independent of any procedure and any qualifications.

As is obvious, the privileged classes have good reasons for befogging the concepts and principles which relate to this matter. They are boldly prepared today to uphold the opposite of the views they were advocating six months ago. At that time there was a single outcry in France: We had no constitution and we asked for one to be made. Today, we not only have a constitution but, if we are to believe the privileged classes, one which contains two excellent and unchallengeable provisions. The first is the division of the citizens into orders; the second is the equality of influence of

each order in the formation of the national will. We have already sufficiently proved that even if both these elements were indeed comprised in our constitution, the nation would always be free to change them. It remains to examine more particularly the nature of this equality of influence that they seek to attribute to each order in the formation of the national will. We shall see that such an idea is impossibly absurd and that no nation could possibly include anything of the kind in its constitution.

A political society cannot be anything but the whole body of the associates. A nation cannot decide not to be the nation, or to be so only in a certain fashion: for that would be saying that it is not the nation in any other fashion. Similarly, a nation cannot decree that its common will shall cease to be its common will. It is sad to have to state facts which may appear so simple as to be silly, until one thinks of the conclusions they entail. It follows that no nation has ever been able to decree that the rights inherent in the common will, i.e. in the majority, should pass into the hands of the minority. The common will cannot destroy itself. It cannot change the nature of things, not arrange that the opinion of the minority shall be the opinion of the majority. Clearly such a regulation would not be a legal or a moral act: it would be lunacy.

Consequently if it be claimed that under the French constitution two hundred thousand individuals out of twenty-six million citizens constitute two-thirds of the common will, only one comment is possible: it is a claim that two and two make five. The sole elements of the common will are individual wills. One can neither deny the greatest number the right to play their part, nor decide that these ten wills are equivalent to only one. While another ten wills amount to thirty.

These are contradictions in terms, pure absurdities.

If for the slightest moment one loses sight of this self-evident principle that the common will is the opinion of the majority and not of the minority, there is no point in carrying on the discussion. One might just as well decide that, the will of a single man is to be called majority and that we no longer need Estates-General or national win at all. For, if the will of a nobleman can be worth as much as ten wills, why should not the will of a minister be worth as much as a hundred? a million? Twenty-six million? On the basis of this reasoning, all the national deputies may as well be sent home and every demand of the People suppressed.

Is it necessary to insist further on the logical deduction from these principles? It is a certainty that among the national representatives, whether ordinary or extraordinary, influence must be proportionate to the number of citizens who have the right to be represented. If it is to accomplish its task, the representative body must always be the substitute for the nation itself. It must partake of the same nature, the same proportions and the same rules.

To conclude: these principles are all self-consistent and prove: a) only an extraordinary representative body can establish or amend the constitution; b) this constituent representative body must be set up without regard to the distinction between orders.

2) Whose function is it to consult the nation? If the constitution provides for a legislature, each of its component parts would have the right to consult the nation, just as litigants are always allowed to appeal to the courts; or, rather, because the interpreters of a will are obliged to consult

with those who appointed them to seek explanations about their mandate or to give notice of circumstances requiring new powers. But for almost two centuries we have been without representatives even assuming that we had them at that time. Since we have none, who is going to take their place vis-à-vis the nation? Who is going to inform the People of the need for extraordinary representatives? This question will embarrass only those who attach to the word “convening” the hotchpotch of English ideas. We are not talking here of the royal prerogative, but of the simple and natural meaning of “convening.” This word embraces: notice as to the national necessity and designation of a common meeting place. Well then, when the preservation of the motherland harries every citizen, is time to be wasted inquiring who has the right to convene the assembly. Ask, rather: who has not such a right? It is the sacred duty of all those who can do something about it. A fortiori, the executive is qualified to do it; for it is in a better position than private individuals is in a better position than private individuals to give notice to the whole nation, to designate the place of the assembly and to sweep aside all the obstructions of corporate interests. The Prince indubitably, in so far as he is the first citizen, has a greater interest than any one else in convoking the People. He may not be competent to decide on the constitution, but it is impossible to say that he is incompetent to bring such a decision about.

So it is not difficult to answer the question, “what ought to have been done?” The nation ought to have been convened, so as to send to the capital extraordinary representatives with a special mandate to frame the constitution for the ordinary National Assembly. I would have objected to such representatives having the power to sit on the ordinary assembly as well.

This ordinary assembly would be operating under the constitution which they had themselves drawn up in their previous capacity; hence my fear lest, instead of confining themselves to the national interest alone, they might pay too much attention to the body of which they were about to become members. In politics, it is the mingling and confusion of powers that constantly make it impossible to establish social order anywhere in the world; by the same token, the moment it is decided to separate what ought to be distinct, the great problem of organizing a human society for the general welfare of its members will be successfully solved.

[from Emmanuel Joseph Sieyes, *What is the Third Estate*, 1789]