

“The Reading Nation”: Sieyès’ Theory of Public Opinion

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Abstract: How is public opinion formed, and how should it influence representatives? This article examines these questions through the lens of the French Revolution—a pivotal moment for democratic theory—where competing visions of public opinion emerged. It reconstructs Abbé Sieyès’ distinctive theory of public opinion, centered on reading and writing, and contrasts it with Robespierre’s vocal public and Bonaparte’s subdued audience. By examining these competing conceptions—each emphasizing different modes of participation (reading, voice, passive admiration) and settings (assemblies or private spaces)—the essay introduces the concept of a “shapeshifting public,” which expresses itself differently depending on whether it is assembled or dispersed.

Keywords: Public Opinion, Democracy, Representative Government, French Revolution, Assemblies

It started well. In the two decades preceding the French Revolution, French enlightenment figures portrayed public opinion as a peaceful and rational force—one whose rise to prominence signaled a new politics of contestation that would foster progressive reforms.¹ These thinkers saw themselves as tasked with “constituting an enlightened public opinion.”² Their audience was limited, constrained by low literacy rates and the relatively steep price of newspaper subscriptions.³ For advocates of this conception of opinion-formation, in which philosophers address a cultivated public, the invention of printing had paved the way for a new kind of politics—one where citizens could form political judgements without being assembled.

¹ Keith M. Baker, “Public Opinion as Political Invention,” in *Inventing the French Revolution* (Cambridge University Press, 1990), 167-202.

² Mona Ozouf, “‘Public Opinion’ at the End of the Old Regime,” *Journal of Modern History* 60, 1988, S6.

³ Jeremy Popkin, *Revolutionary News. The Press in France. 1789-1799* (Duke University Press, 1990), 24.

In 1775, in his maiden speech before the Académie française, Malesherbes declared, “In an enlightened century, in a century in which each citizen can speak to the entire nation by way of print, those who have a talent for instructing men and a gift for moving them—in a word, men of letters—are, amid the public dispersed, what the orators of Rome and Athens were in the middle of the public assembled.”⁴ In his view, the transition from ancient to modern politics was one from a small-scale assembled public to a large-scale dispersed public. This shift impacted the way in which political judgement was formed. Henceforth, judgement would no longer be shaped by spoken words in the public square, but by the printed word, allowing for more rational communication among readers and writers operating in the quiet of their study. Malesherbes was not alone in this belief. As Rogier Chartier observes, at the heart of pre-revolutionary theories of public opinion was the conviction that “printing made possible the constitution of a public realm that was not reliant on proximity—a community with no visible presence.”⁵

When the Revolution erupted, the people acquired a visible presence. Within six months of the fall of the Bastille, “public opinion...became something definite, tangible.”⁶ Press freedom was de facto unlimited from July 14, 1789. Until the summer of 1792, the number of newspapers and libels—booklets containing insulting or defamatory content—boomed, especially in Paris.⁷ Meanwhile, a new channel of expression emerged: the revolutionary clubs, which the Jacobins soon transformed into “arsenals of public opinion.”⁸ In Jacobin clubs, newspapers were read aloud to audiences who “received their contents aurally rather than by reading them.”⁹ Collective petitions were circulated, and petitioners would present them in person to the lawmaking body, proclaiming their petitions

⁴ Quoted in Roger Chartier, *The Cultural Origins of the French Revolution* (Duke University Press, 1991), 33.

⁵ Chartier, *Cultural Origins*, 34.

⁶ Popkin, *Revolutionary News*, 4.

⁷ Robert Darnton, *The Devil in the Holy Water or the Art of Slander from Louis XIV to Napoleon* (University of Pennsylvania Press, 2009).

⁸ Quoted in Lucien Jaume, “Les Jacobins et l’opinion publique,” in *Le Modèle Républicain*, eds. S. Bernstein and O. Rudelle (Presses Universitaires de France, 1992), 65.

⁹ Popkin, *Revolutionary News*, 93.

aloud.¹⁰ Under the pressure of clubs, “public noises” became the hallmark of revolutionary politics.¹¹ As a vocal people was assembled, the philosophers’ reading public seemingly faded away.

Over the course of the Revolution, one of its key political actors sought to preserve the pre-revolutionary vision of a dispersed reading nation while updating some of its aspects. In 1790, the Abbé Sieyès confidently reiterated that the invention of printing had ushered in a new form of politics, enabling citizens to form political judgements without the need for physical assembly. At this stage, he still adhered to the Enlightenment ideal of writers educating the public. However, after the Terror, Sieyès came to regard elected expert bodies as the most reliable opinion-makers. These bodies would serve as a “fixed point in public opinion” interacting with “the reading nation” through printed materials. In this vision, articulated in his 1795 writings, press freedom was central, but the right of association was restricted. The people’s visible presence was replaced by a scattered nation, and the act of reading and writing in silence substituted for the public noise emerging from clubs.

While the Revolution saw a proliferation of gatherings of “the people out of doors”¹², following the Terror Sieyès believed that public opinion, properly understood, required returning citizens behind closed doors, where they could read, write, and develop individual judgements freed from peer-pressure and political passions. In his system, public opinion would be formed without assembling and without shouting. In 1795, Sieyès framed his conception of public opinion as an alternative to Robespierre’s vocal clubs, where citizens made their collective opinions heard as an assembled public. After the Brumaire coup (November 9, 1799), Sieyès remobilized it against Bonaparte’s subdued public, which, in addition to preventing citizens from assembling, cut off communications between them to encourage blind admiration for the leader.

¹⁰ Michel Pertué, “Pétitions,” in Albert Soboul, ed., *Dictionnaire Historique de la Révolution Française* (Presses Universitaires de France, 1989).

¹¹ Robert Darnton, *The Revolutionary Temper. Paris, 1748-1789* (Norton, 2023), 390-400.

¹² Jason Frank, *The Democratic Sublime. On Aesthetics and Popular Assembly* (Oxford University Press, 2021), 2.

Recent years have seen a renewed interest in Sieyès, now hailed (or reviled) as one of the most significant revolutionary constitutional theorists.¹³ Excellent scholarship has deepened our understanding of Sieyès' views on constituent power¹⁴ and freedom.¹⁵ While some scholars have highlighted the importance of public opinion in his thought, this topic has received comparatively less attention.¹⁶ The focus on sovereignty or constituent power often leads to a highly institutionalized interpretation of Sieyès' political project. For this reason, it is sometimes thought that his conception of representative government deprived citizens of political agency beyond elections.¹⁷ Reconstructing his conception of “the reading nation” can help us appreciate how the institutional and extra-institutional dimensions are connected in his work. By conceptualizing public opinion as the sum result of the interactions between expert bodies and the reading nation, Sieyès believed he had found a form of extra-electoral power that provided a check on representatives without requiring permanent mobilization from citizens. Granted, this form of power was restricted in scope, as it only encompassed citizens who could read and write and had time to do so. Moreover, it was not binding upon representatives, who could always disregard citizens' written suggestions. Still, Sieyès thought

¹³ Richard Tuck, “Rousseau and Sieyès,” in *Active and Passive Citizens: A Defense of Majoritarian Democracy*, ed. Stephen Macedo (Princeton University Press, 2024), 15-42.

¹⁴ Marco Goldoni, “At the Origins of Constitutional Review: Sieyès' Constitutional Jury and the Taming of Constituent Power,” *Oxford Journal of Legal Studies* 32/2 (2012), 211-234; Richard Tuck, *The Sleeping Sovereign. The Invention of Modern Democracy* (Cambridge University Press, 2016), 162-180; Lucia Rubinelli, *Constituent Power: A History* (Cambridge University Press, 2020), chapter 1; Joel Colon Rios, *Constituent Power and the Law* (Oxford University Press, 2020), chapter 3; Raffael N. Fasel, “Constraining Constituent Conventions: Emmanuel Joseph Sieyès and the Limits of *Pouvoir Constituant*,” *International Journal of Constitutional Law* 20/3 (2022): 9–14; Carlos Pérez-Crespo, “Sieyès' Idea of Constituent Power: a Moderate and Illiberal Idea of Sovereignty in the French Revolution,” *History of European Ideas* 50/6 (2024), 1029-1051.

¹⁵ Adam Lindsay, “Sieyès and Republican Liberty,” *European Journal of Political Theory*, 21/1 (2022), 155-177; Angus Brown, “Republican Nostalgia, the Division of Labour, and the Origins of Inequality in the Thought of the Abbé Sieyès,” *Intellectual History Review*, 34/2 (2024), 433-56.

¹⁶ Michael Sonenscher, “Introduction,” in *Sieyès' Political Writings* (Hackett, 2003), xxxiii, lvi; Jacques Guilhaumou, Sieyès et le point fixe de l'opinion publique,” in *L'avènement de l'opinion publique: Europe et Amérique, XVIIIe-XIXe siècles*, eds., J.-S. Fernandez and J. Chassin (Hachette, 2004), 109-122.

¹⁷ Nadia Urbinati, *Representative Democracy: Principles and Genealogy* (University of Chicago Press, 2006), 146-154; Andrew Jainchill, *Reimagining Politics After the Terror: The Republican Origins of French Liberalism* (Cornell University Press, 2008), 197-242; Bryan Garsten, “From Popular Sovereignty to Civil Society in Post-revolutionary France,” in *Popular Sovereignty in Historical Perspective*, eds. Richard Bourke and Quentin Skinner (Cambridge University Press, 2016), 241-47.

that lawmaking took on different forms depending on whether it was scrutinized by a critical public or conducted before a mesmerized audience blindly following political leaders.

This essay reconstructs Sieyès' distinctive theory of public opinion, centered on reading and writing, and contrasts it with Robespierre's vocal public and Bonaparte's subdued audience. Each of these competing conceptions emphasized different modes of participation (voice, reading, passive admiration) and settings (assemblies or private homes). I begin by reconstructing Robespierre's club-based conception of public opinion, then examine how Sieyès developed an alternative focused on the reading nation. I then investigate how, following Brumaire, Sieyès expressed doubts about Bonaparte's vision of a leader venerated by the masses. In the conclusion, I build on my analysis of competing accounts of public opinion during the French Revolution to discuss the potential limits of voice-based and sight-based conceptions of public opinion in contemporary democratic theory. I also suggest that the people's agency beyond elections can be helpfully understood as that of a *shapeshifting public*, where citizens voice collective concerns when assembled and engage with politics through watching and reading when not assembled.

Robespierre's Vocal Public

In the summer of 1791, the French Revolution was in full swing. As the National Assembly deliberated on revising the constitution eventually adopted on September 30, 1791, the moderate deputies, who held the majority, attempted to muzzle an increasingly unruly Parisian opinion.¹⁸ Their primary target was the Paris-based Jacobin Society which, by then, had its own constitution, a newspaper documenting its meetings and speeches, and an expanding network of affiliated clubs

¹⁸ Lucien Jaume, *Le Discours Jacobin et la Démocratie* (Fayard, 1989), 59-65.

across the provinces.¹⁹ To curtail the Jacobins' influence, on May 9, 1791, Le Chapelier proposed a ban on collective petitions and a restriction of the right to petition to important taxpayers.²⁰ On August 22, Thouret followed suit by submitting a bill listing press offences.²¹ On September 29, 1791, Le Chapelier went one step further. He recommended prohibiting affiliations with societies, cutting off correspondence networks between them, stopping the publicity of their meetings, and ending their ability to publish newspapers covering their discussions.²²

Reacting to these interventions, Robespierre insisted that public opinion, being the prime manifestation of popular power beyond elections, required unrestricted freedom of expression. Clubs should be granted the liberty to shape public opinion through organized meetings, petitions, and affiliated newspapers. Answering Le Chapelier's report on petitions, Robespierre argued that petitioning was a natural right that all citizens could exercise, whether individually or as a group, on matters of particular or common interest.²³ In the same spirit, he defended unlimited freedom of the press against Thouret's proposed regulations, arguing that "in every state, the only effective check against abuses of authority is public opinion."²⁴ And, when Le Chapelier suggested in September 1791 that clubs had outlived their purpose, Robespierre countered that their role in shaping "public spirit" was even more crucial following the adoption of the Constitution.²⁵

At that juncture, Robespierre held that a vocal public was the driving force behind the lawmaking process. He emphasized that public opinion should set the legislative agenda, actively

¹⁹ Michael L. Kennedy, *The Jacobin Clubs in the French Revolution: The Middle Years* (Princeton University Press, 1988), 175-195; Patrice Guennifey, "Clubs et sociétés populaires," in *Dictionnaire critique de la Révolution Française*, 3, eds. F. Furet and M. Ozouf (Gallimard, 1992).

²⁰ *AP1*, 25, 678-682. *AP1* refers to Jérôme Madival and Laurent Etienne, eds., *Archives parlementaires de 1787 à 1860: Recueil complet des débats législatifs des Chambres françaises. Première série (1787 à 1799)* (Librairie administrative Paul Dupont, 1862-2022). The first number in the references indicates the volume, and the second refers to page numbers.

²¹ *AP1*, 29, 631

²² *AP1*, 31, 616-619.

²³ "Sur le droit de pétition (9 May 1791)," in *Oeuvres*, vol. 7, eds. A. Mathiez, G. Lefebvre *et al.* (Presses Universitaires de France, 1950), 315. Robespierre's works are hereafter referred to as OR.

²⁴ "Sur la liberté de la presse (22 August 1791)," OR, 7, 648.

²⁵ "Sur les droits des sociétés et des clubs (29 September 1791)," OR, 7, 745.

debate proposed bills, and control laws once adopted. As he put it in May 1791, “all important laws are always preceded by public opinion, provoked by a current need, or by the necessity to reform abuses that have long been lamented.”²⁶ In Robespierre’s framework, public opinion remained active after formal bill submissions, engaging in discussions regarding their merits and drawbacks and bringing new elements to the debate. Confronting what he saw as Le Chapelier’s attempt to shape public opinion from the top, Robespierre declared: “We see all the societies of friends of the Constitution presenting you with addresses fit to enlighten your wisdom, exposing to you facts of the greatest importance; and it is at this moment that one wants to paralyze these societies, depriving them of the right to enlighten the legislators.”²⁷ The role of public opinion did not cease after laws were passed. Robespierre argued in the Spring of 1792 that the people retained the right to oversee laws enacted by representatives, who were not infallible. “The right to censor legislative acts” rested on “public opinion,” which never legally compelled the legislative body to revoke laws but only prompted their gradual revision.²⁸ In short, for Robespierre, a vocal public was required to prevent parliamentary despotism: “as it is in the nature of things that representatives may put their individual will in place of the general will, it is necessary that *the voice of public opinion constantly resounds around them...*to remind them both of the purpose of their mission and the principle of their authority.”²⁹

After the storming of the Tuileries on August 10, 1792, amidst escalating political tensions between the Girondins and the Montagnards, Robespierre advocated for a reevaluation of how the pressure of public opinion could be exerted on representatives. In a speech delivered on May 10, 1793, during the debate in the National Convention over the new Constitution France should adopt, he explained how club-based public opinion beyond parliament could be supplemented by a more direct

²⁶ “Sur la rééligibilité des députés de l’assemblée nationale à la première législature (18 May 1791),” OR, 7, 410.

²⁷ “Sur le droit de pétition,” 315.

²⁸ “Sur le respect dû aux lois et aux autorités constituées (Spring 1792),” OR, vol. 4, 146.

²⁹ “Sur le respect,” 146-47. Emphasis added.

public involving a large audience surrounding the legislative assembly. The legislative assembly would hold its sessions in a venue capable of accommodating 12.000 spectators. Because the audiences of the Constituent Assembly and the Legislative Assembly had been confined to a few hundred citizens, Robespierre explained, representatives had frequently disregarded the people's judgment. A direct audience, by contrast, would force representatives to pass laws serving the general interest. "In the presence of so large a number of witnesses, corruption, intrigue, and perfidy would not dare to show themselves; only the general will would be consulted".³⁰

In the same speech, Robespierre insisted that the new constitution should also allow the people to directly exercise their sovereignty.³¹ It was now time to place "in the authority of the sovereign the necessary counterweight...to the tendency of the government towards tyranny."³² In Robespierre's arrangement, all male voting citizens were organized into "primary assemblies" (which were distinct from clubs) distributed across the country. In these primary assemblies, the people would not only elect representatives but also directly and spontaneously exercise sovereignty from the bottom-up by voting on political issues, with binding consequences upon representatives. Amongst the prerogatives that the people could exercise by means of direct popular sovereignty, Robespierre identified a formalized form of censorship. Primary assemblies in each department could solicit the vote of all primary assemblies if the legislative body encroached the Declaration of Rights. Additionally, Robespierre insisted that direct popular sovereignty encompassed the people's ability to pronounce the representatives' ineligibility at the end of the legislature.³³ Thus, in this system, the people would keep representatives accountable, not only through public opinion (manifested through

³⁰ "Discours sur la Constitution (10 May 1793)," *OR*, 9, 503.

³¹ On Robespierre's shifting conception of popular sovereignty, see Geneviève Rousselière, "Can Popular Sovereignty Be Represented? Jacobinism from Radical Democracy to Populism." *American Journal of Political Science* 65, no. 3 (2021): 670-682.

³² "Sur la Constitution," 507.

³³ "Sur la Constitution," 504 ; 510.

clubs, petitions, the press and a large, in-person audience), but also through the direct exercise of sovereignty, expressed through voting in primary assemblies. Unlike the influence of public opinion, which representatives could disregard, these votes held legally binding consequences. As such, direct popular sovereignty provided the ultimate “*safeguard against the vices and despotism of the government*”.³⁴

After the purge of the Girondins (31 May—2 June 1793), and despite the recognition of freedom of expression in the Montagnard Constitution adopted in June 1793, Robespierre came to believe that the bottom-up conception of public opinion he had defended earlier had to be provisionally abandoned. As France descended into the Terror, the Jacobins adopted a top-down account of opinion-formation, wherein the Committee of Public Safety guided virtuous citizens and silenced corrupted ones. According to Robespierre, a genuinely virtuous public opinion would be achieved by cracking down on unruly “*sociétés sectionnaires*” (societies as factions), sending instructions to “*popular societies*” that remained affiliated with the central Jacobin Society, and regulating freedom of expression.³⁵ At that stage, Robespierre’s vision of club-based surveillance was replaced by a submissive public shaped by a centralized Committee.

1789: The Reading Public & Writers

Sieyès’ vision of who should frame public opinion changed over the course of the Revolution. But one element remained central throughout: the idea of a dispersed reading public. Sieyès first introduced this idea in 1789-90. During the convocation of the Estates General, Sieyès restated the pre-revolutionary belief in the philosopher educating readers. As he put it in *What is the Third Estate?*, “my own role is that of every patriotic writer, namely, to publish the truth...What better can I do than

³⁴ “Sur la Constitution,” 498. Emphasis in original.

³⁵ Jaume, “Les Jacobins et l’opinion publique.”

help with all my strength to disseminate what is true as the way to prepare the ground? Initially, this may not be well received. Gradually, however, it will come to be accepted; public opinion will take shape and principles that at first were taken to be wildly illusory will finally come to be felt to be entirely practicable.”³⁶ Public opinion, he specified, was a “mass of ordinary ideas” shaped through printed materials spreading “reason.”³⁷ Once formed, public opinion impacted lawmaking. Philosophers had more political clout than was usually thought, for they “exercise influence over the formation of public opinion,” and “public opinion finally comes to dictate the law even to the legislator.”³⁸ Ultimately, Sieyès portrayed “public opinion” as the political agent behind the “changes that have been genuinely advantageous to peoples.”³⁹

Shortly after the tremendous success of his pamphlet—which went through several editions, sold around 30,000 copies, and “electrified public opinion”⁴⁰—Sieyès was elected as a Deputy of the Third Estate in May 1789. According to all accounts, Sieyès struggled in oral debates, a flaw that was inversely proportional to his literary talents. As *What is the Third Estate?* had demonstrated, Sieyès was “a master of the written word.”⁴¹ These contrasting abilities help explain why, in the years that followed, Sieyès consistently sought to elevate the importance of writing in shaping public opinion, at the expense of eloquence.

On January 20, 1790, together with Condorcet—another apostle of a literary conception of public opinion—he presented a press law proposal on behalf of the *comité de constitution*.⁴² Though it

³⁶ “What is the Third Estate?,” in Sieyès, *Political Writings*, ed. Michael Sonenscher (Hackett, 2003), 158.

³⁷ “Third Estate,” 103 ; 120.

³⁸ “Third Estate,” 161.

³⁹ “Third Estate,” 160.

⁴⁰ William H. Sewell, *The Abbé Sieyès and What is the Third Estate?* (Duke University Press, 1994), 5.

⁴¹ Keith M. Baker, “Sieyès,” in *Dictionnaire critique de la Révolution Française*, 2, eds. F. Furet and M. Ozouf (Gallimard, 1992), 296.

⁴² The Condorcet-Sieyès proposal and its reception is discussed in Charles Walton, *Policing Public Opinion in the French Revolution. The Culture of Calumny and the Problem of Free Speech* (Oxford University Press, 2009), 104-106. On the intellectual exchanges between the two, see Jacques Guilhaumou, “Condorcet-Sieyès: une amitié intellectuelle,” in *Condorcet. Homme des Lumières et de la Révolution*, eds. Anne-Marie Chouilet and Pierre Crépel (ENS Lyon, 1997), 223-239.

was likely co-authored, the proposal was read by Sieyès in the National Assembly. In his speech, he reaffirmed the Enlightenment belief that the invention of printing had revolutionized politics by substituting the printed word for the spoken word as a way of engaging citizens. After noting that “the writings of enlightened citizens” must be credited with “lighting the torch of public opinion,” Sieyès declared: “The printing press has changed the fate of Europe; it will change the face of the world...The printing press is, for the vastness of space, what the orator’s voice was in the public squares of Athens and Rome; through it, the thoughts of a genius reach all places at once, striking, so to speak, the ear of the entire human race.”⁴³ In 1790, Sieyès still believed that writers had not only precipitated the Revolution but still firmly held its reins. Post-1789 opinion-formation would resemble pre-revolutionary opinion-formation, though with a key change: an elected assembly representing the nation and legislating in its name.⁴⁴

Since it only involved citizens who could read and write, the scope of Sieyès’ reading public was restricted. Yet it is worth noting that Sieyès envisaged an ever-expanding public that, thanks to public instruction and accessible newspapers, would include an increasing number of readers and writers in the process of opinion-formation. This conviction stood at the center of the *Journal d’instruction sociale*, a newspaper Sieyès launched with Condorcet and Duhamel in June 1793. His plan for a national instruction, published in the *Journal*, emphasized the need to establish primary schools throughout communes to provide elementary literacy skills to all. “Reading and writing,” along with basic notions of “geometry, physics, moral geography and social order” would be the first learning

⁴³ *API*, 11, 260. Condorcet expressed similar views in 1791: “The art of composing written speeches is thus the true rhetoric of the moderns, and the eloquence of a speech lies precisely in that of a book designed to be understood by all minds in a quick reading.” *Cinq mémoires sur l’instruction publique*, ed. Charles Coutel and Catherine Kintzler (Flammarion, 1993), 140.

⁴⁴ Istvan Hont, “Nation State and Nationalism in Historical Perspective,” in *Jealousy of Trade. International Competition and the Nation-State in Historical Perspective* (Harvard University Press, 2005), 474-99; Michael Sonenscher, *Before the Deluge: Public Debt, Inequality, and the Intellectual Origins of the French Revolution* (Princeton University Press, 2009), 10-21, 67-94, 349-71.

objectives.⁴⁵ Girls would receive the same education as boys.⁴⁶ Beyond the school's walls, cultural life should be organized with a similar aim of turning all citizens into critical readers. An article of Sieyès' plan stipulated that "teachers give public readings on specific days for all residents on topics such as morality, social order, rural economy, etc."⁴⁷ The project also recommended establishing public libraries in all districts as well as theaters granting citizens the opportunity to "provide the public with instructive readings."⁴⁸ In line with the ambition to create a wide-ranging reading nation, Sieyès emphasized the importance of scholarships for poor citizens, as well as the significance of "rest days" to provide them with the opportunity to develop their judgment through reading.⁴⁹

Sieyès' vision was soon shattered. Although he had been elected to the National Convention in September 1792 and voted the death of the King, by that time, his political influence had waned. When debates over the new Constitution resumed in the summer of 1793, Sieyès ceased attending the Convention, fearing Montagnard repression, and eventually left Paris.⁵⁰ Writing in hiding during the Terror, Sieyès blamed the derailment of the Revolution upon club leaders, who, through eloquence and exaggerations, had managed to portray their own opinions as general opinion. During this period, he expostulated, the public lost its bearings: "filthy manners, abject morals, corrupt language, and brutal appetites emerging from the most impure sewers, the most wretched, were regarded as the sign of ardent patriotism...In vain would you have looked for a fixed point in public opinion: public opinion was silent; and men boldly passed for it everything that passions wanted to find in the chaos of a thousand and one personal slanders. How to get out of this maze? Who to turn to?"⁵¹ On the eve

⁴⁵ Sieyès, "Projet de décret pour l'Etablissement de l'Instruction Nationale," *Journal d'instruction sociale par les citoyens Condorcet, Sieyès et Dubamel*, III, June 22 1793, reprinted by EDHIS, 1981, 92.

⁴⁶ "Projet de décret," 88.

⁴⁷ "Projet de décret," 94.

⁴⁸ Sieyès, "Suite du projet de décret pour l'Etablissement de l'Instruction Nationale," *Journal d'instruction sociale*, IV, June 29 1793, reprinted by EDHIS, 1981, 97-98; 102-103.

⁴⁹ "Projet de décret," 95 ; "Suite du projet de décret pour l'Etablissement de l'Instruction Nationale," *Journal d'instruction sociale*, V, July 6, 1793, 148-149.

⁵⁰ Paul Bastid, *Sieyès et sa pensée* (Hachette, 1978), 132-151.

⁵¹ Sieyès, *Notice sur la vie de Sieyès* (Maradan, 1794), 45.

of the Revolution, Sieyès had thought that enlightened writers played a key role in stabilizing public opinion.⁵² When he re-emerged in political life after the Terror, he reconsidered his conception of opinion-formation. Henceforth, “the fixed point of public opinion” would be expert bodies, acting alongside writers.

1795: The Reading Public & Expert Bodies

Following Robespierre’s downfall (July 26, 1794), the ruling republican elite known as the “Thermidorians” soon decided to set aside the Montagnard Constitution of 1793 and draft a new constitution. Sieyès participated in these constitutional discussions by pronouncing two important speeches to the Convention on the 2nd and the 18th of Thermidor of the Year III (July 20, and August 5, 1795). He further elucidated the arguments presented in these speeches in unpublished manuscripts written around that time.⁵³ As seen earlier, in May 1793, Robespierre argued that, to prevent parliamentary despotism, the people should wield different kinds of power—public opinion’s power of influence and the binding power of direct popular sovereignty—in distinct settings: vocal clubs and voting primary assemblies. In 1795, Sieyès sought to prevent the proliferation of both types of assemblies and their corresponding expressions of popular power.

On one hand, he attacked Robespierre’s conception of popular sovereignty as dangerous and outdated, using his trademark distinction between “constituent power” and “constituted powers” as an alternative. In Sieyès’ view, the people should not constantly exercise their sovereignty in primary assemblies by directly voting on multiple political issues. Instead, the people only came together in

⁵² Guilhaumou, “Sieyès et le point fixe de l’opinion publique.”

⁵³ A selection of these manuscripts can be found in *Des manuscrits de Sieyès. 1773-1799*, ed. Christine Fauré (Honoré-Champion, 1999) and *Des Manuscrits de Sieyès. 1770-1815*, ed. Christine Fauré (Honoré Champion, 2007), hereafter referred to as *MS1* and *MS2*, respectively.

primary assemblies for key elections.⁵⁴ They originally acted as “constituent power” by electing a National Convention tasked with drafting and ratifying a new constitution. Once this founding act of the political order took place, newly elected “constituted powers” passed ordinary laws within the boundaries set by the constitution.⁵⁵

Additionally, Sieyès reassessed how public opinion should be formed by remobilizing his idea of the reading nation. His critique of the Jacobins’ conception was not only aimed at the Committee for Public Safety’s muzzling of public opinion. In his analysis, even the bottom-up model of opinion-formation that Robespierre had theorized before endorsing outright repression in the summer of 1793 was flawed, because it involved a public perpetually assembled in clubs. In 1795, Sieyès returned to the advantages of printed material over eloquence by contrasting how they communicated information in different settings. Eloquence required an assembled audience. In this context, “the habit of dissipation,” the orators’ thirst for success, and “the need to speak to the public in a language different from that of simple reason” all contributed to the message being both simplified and barely heard.⁵⁶ In contrast, printed materials could reach a dispersed public, allowing for more efficient message delivery. “The printed press,” Sieyès wrote, provides the means to “reach each citizen individually, in his *best* moments of the day, when he is neither swayed by vainglory in the presence of others, nor hindered by the movements imparted to the multitude; in those moments, left as far as possible to his reason, his will can be *freely* determined based *solely* on the motives that should contribute to its determination.”⁵⁷ In short, each medium of communication created its own kind of public, with different results. The spoken word, uttered to the people assembled, facilitated seduction and

⁵⁴ During the Revolution, legislative (and municipal) elections took place in assemblies where all eligible citizens gathered to cast their ballot. This practice was ended by Bonaparte in 1799. See Malcolm Crook, *Elections in the French Revolution* (Oxford University Press, 1996).

⁵⁵ See Rubinelli, *Constituent Power*, chapter 1.

⁵⁶ “Discussion sur la constitution, l’an III. Imprimerie 1,” *MS2*, 499.

⁵⁷ “Discussion sur la constitution, l’an III. Imprimerie 2,” *MS2*, 501. Emphases in original.

caricatures. The written word involved a different kind of audience, where “each citizen individually” could weigh the pros and cons of arguments with enough time and concentration, thus forming an enlightened judgment. The difference between these ways of communicating and forming judgments was, Sieyès insisted, “enormous”: “If private reason today holds so much superiority over that of the ancients due to the advantage of the printing press, it is clear that we can expect the same progress from *public reason*.”⁵⁸ In his view, it was high time to replace club leaders with expert bodies, and the clubs’ audiences with a reading nation. “All democracies have fallen due to ambition, hypocrisy, *demagogues*, and the influence forced upon the multitude. Now, one institution [the printing press] *destroys* the demagogues and *restores all freedom* to the citizens.”⁵⁹

For Sieyès, in addition to favoring the reign of demagogues, Robespierre’s club-based public opinion posed three kinds of problems. First, the Jacobin vision of permanent mobilization misunderstood what modern freedom involved. As he noted in 1795, “They regard political freedom as a continual exercise of political rights, as the uninterrupted burden of public affairs. But that is not it. Freedom always consists in obtaining the *greatest output with the least cost*.”⁶⁰ In his view, freedom entailed maximizing the ability to meet individual needs through the division of labor and reliance on others’ expertise. Political representation achieved this by enabling people to delegate the management of public affairs, and accordingly focus on their private business. Second, clubs composed of ordinary citizens had no proper knowledge of the kinds of needs that had to be turned into legislation. They only possessed an inchoate “sentiment” of those needs and were therefore unable to steer the legislative process in a complex nation.⁶¹ Last, the clubs’ role in opinion-formation violated Sieyès’ conception of political equality. Already in 1789, Sieyès had stipulated that “a citizen should not claim

⁵⁸ “Imprimerie 2,” 501. Emphasis in original.

⁵⁹ “Imprimerie 2,” 501. Emphases in original.

⁶⁰ “Liberté n’est pas jalouse de faire,” *MSI*, 460. Emphases in original.

⁶¹ “Opinion de Sieyès prononcé à la Convention le 2 thermidor de l’an III,” in *Essai sur les privilèges et autres textes*, ed. Pierre-Yves Quiviger (Paris, 2007), 118.

to have more influence than another on the formation of the law.”⁶² This principle applied both before laws were passed (opinion-formation) and when they were voted upon (will-formation). When the Jacobin clubs had imposed their legislative agenda on the successive revolutionary assemblies, Sieyès observed in 1795, they had enjoyed unwarranted political impact in opinion-formation.⁶³

To address these issues—demagogy, modern freedom, ignorance, and equality—Sieyès now involved elected experts in opinion-formation. Sieyès divided representatives into four bodies with distinct roles. The *Tribunate* (an assembly of roughly 300 members) and a *governmental council* collected data about the people’s needs and introduced policy proposals. Members of the Tribunate and the governmental council then discussed the pros and cons of the intended policies in front of the *Legislative Body* (the largest assembly), which ratified laws in silence. The *Constitutional Jury* then assessed the laws’ compatibility with the constitution.⁶⁴ Thus, each step of the lawmaking process—submitting bills, discussing them, voting on them, and controlling laws—involved different bodies with clearly defined roles. As Sieyès explained, “one of the effects of the representative system on the political order is to put each function in the hands of experts.”⁶⁵

When performing their roles, these bodies guided the process of opinion-formation. As such, they acted as what Sieyès had called in June 1794 a “fixed point in public opinion.” As we will see, Sieyès expected these bodies to keep the reading public informed about their debates and actions through official newspapers. The official newspapers associated with the Tribunate, the governmental

⁶² “Préliminaire de la Constitution française,” in *Essai sur les privilèges et autres textes*, 91.

⁶³ “Imprimerie 2,” 501.

⁶⁴ Although in 1795, Sieyès did not provide details on the electoral procedure for appointing members to the Tribunate, the governmental council, and the Legislative Body, he insisted that all would be “directly or indirectly” elected by the people “Opinion du 2 thermidor, an III,” 110. Members of the Constitutional Jury would be appointed by the Jury itself, chosen from representatives concluding their term of service for the Legislative Body. “Opinion de Sieyès sur l’organisation du jury constitutionnaire (18 thermidor de l’an III),” in *Essai sur les privilèges*, 145. In 1789, 1795 and 1799, Sieyès limited the right to vote and run for elections to *active* citizens. In 1789, these were citizens of legal age who paid a tax equivalent to three days’ wages, were not in a state of domesticity, and had lived in their local canton for at least one year. Passive citizens who did not meet these criteria only enjoyed civil rights. For contrasting views on how inclusive Sieyès’ stance on the electorate was, see Brown, “Republican Nostalgia” and Tuck “Rousseau and Sieyès,” 15-22.

⁶⁵ “Classe disponible vue politiquement,” *MS1*, 488.

council, the Legislative Body, and the Constitutional Jury were not tools of propaganda. Rather, they served as parliamentary records for these bodies, neutrally presenting their respective viewpoints on legislation to the reading nation. Transcripts allowed readers to form judgements based on contradictory positions and assess laws using the same information. Official newspapers would coexist with independent newspapers, thus providing readers with two types of viewpoints—those of members of expert bodies and writers—on the lawmaking process.⁶⁶ During the Directory (1795-1799), Sieyès reiterated the importance of promoting reading and writing skills through primary education, particularly for citizens reliant on menial jobs for their livelihood.⁶⁷

Sieyès was aware that expert bodies, when insulated from external influence, would be tempted to legislate in their own interest. On the other hand, if the people were given a proactive role beyond election, parliamentary despotism would be exchanged for clubs usurping the people's authority. His solution in 1795 was still to turn citizens into a reading public, which kept expert bodies in check by reading about their thoughts and deeds in official newspapers and an independent press, while making suggestions through newspapers and individual petitions.⁶⁸ This division of intellectual labor between experts, who submitted bills, debated them, and reviewed laws, and the reading nation, which studied and commented on this process, avoided both the insulation of representatives from the nation and the illegitimate rule of clubs.

Sieyès' combination of expert bodies with a reading public provided a point-by-point alternative to what he saw as the flaws of Robespierre's club-based public opinion. Demagogues galvanizing clubs were replaced by experts communicating with a dispersed public. Citizens could read and write about politics while still enjoying the fruits of modern liberty, as they no longer had to be constantly assembled in time-consuming club sessions. Ignorance gave way to expert initiatives under

⁶⁶ "Opinion sur l'organisation du jury constitutionnaire," 136.

⁶⁷ "Derniers citoyens non dégradés," *MSI*, 449.

⁶⁸ "Opinion du 2 thermidor, an III," 120; "Opinion sur le jury constitutionnaire," 136.

the scrutiny of a reading nation. Last, political equality was preserved at the stage of the formation of the laws (opinion-formation), before bills were put to the vote (will-formation), as only elected citizens, gathered in expert bodies, got to officially speak in the people's name.

In May 1793, Robespierre advised combining the pressure of public opinion—manifested through clubs, petitions, newspapers, and a large in-person audience—upon representatives with the direct exercise of sovereignty through voting in primary assemblies, which carried binding consequences. In contrast, Sieyès sought to circumscribe the moments where the people could assemble, allowing this only during elections. Beyond elections, the people could not directly exercise popular sovereignty; instead, the only form of power citizens could wield was the diffuse influence of public opinion, formed through interactions between expert bodies and the reading nation.⁶⁹

Introducing, Discussing, and Reviewing Laws

In 1795, Sieyès outlined distinct roles for public opinion at various stages of lawmaking—the submission of bills, the discussion of laws, and the public's apprehension and interpretation of enacted legislation. Sieyès granted legislative initiative to two "*workshops of proposition*": the Tribune and a governmental council, "the jury of proposition". Both could submit bills to the Legislative Body, which voted them in silence after listening to orators from each proposition workshop.⁷⁰ According to Sieyès, public opinion about legislation was inchoate until it was screened by a dedicated institution that identified popular needs and translated these needs into policy proposals. The Tribune was a

⁶⁹ In a text written shortly after Sieyès' 1795 reflections, Germaine de Staël offered a similar critique of the Montagnards' advocacy of direct popular sovereignty through primary assemblies, likewise insisting that, beyond legislative elections, the non-binding influence of public opinion was the only valid form of political participation. Unlike Sieyès, however, she still believed in 1798-99 that enlightened writers (rather than expert bodies) had the capacity to shape public opinion. See Arthur Ghins, "Representative Democracy versus Government by Opinion," *Journal of Politics* 84/3 (2022), 1623-1637.

⁷⁰ "Opinion du 2 thermidor, an III," 120. Emphases in original.

“*reservoir* or *canal* of legislative instruction” whose members were “investigators” of public interests.⁷¹ Since the government had a first-hand experience of how laws were implemented, it should be able to use this knowledge, either to amend a bill submitted by the Tribunalate or to submit one itself. Alongside the Tribunalate, the proposition jury was one of two “very responsive forums” that tracked public needs and drafted bills.⁷²

At the bill-drafting stage, Sieyès expected the Tribunalate and the proposition jury to debate in public, via official newspapers, about the pros and cons of intended policies. Whenever a member of the Tribunalate proposed a law, he would publish his proposition in the newspaper attached to the Tribunalate (“*le journal législatif*”). This note would then be “analyzed, attacked, defended, discussed, during a given interval” before it was voted in the Tribunalate and, if successfully so, turned into a bill. The bill would then be discussed by members of the second workshop of proposition via their own official newspaper. This way, the government’s jury of proposition could alert the public about the difficulties involved in the execution of policy proposals coming from the Tribunalate.⁷³ The internal proceedings of the government’s proposition jury would be private, in contrast with the Tribunalate’s. As Sieyès explained, “The government is not a public forum; it is a private office of publicity. But it makes itself heard through writing; and it is good, it is useful, it is just that it be heard.”⁷⁴ Instead of proactively setting the agenda, in Sieyès’ framework the reading nation acted as an arbitrator of the contradictory arguments coming from the two workshops of proposition. The fact that the public acted as a witness of this debate at the propositional stage forced each workshop to come up with the most convincing arguments for or against intended policies.

⁷¹ “Discussion sur la constitution, l’an III,” 515 ; 526. Emphases in original.

⁷² “Opinion du 2 thermidor, an III,” 120.

⁷³ “Discussion sur la constitution, l’an III. Imprimerie 4,” *MS2*, 503.

⁷⁴ “Opinion du 2 thermidor, an III,” 126.

Sieyès saw his agenda-setting workshops as an alternative to Robespierre’s club-based public opinion:

Do you want to make sure that all the people’s needs are taken into consideration, that its demands ring with accuracy to the legislator’s ear, and that all the means for satisfying them are discovered, discussed, and presented to the legislator with the full weight of an enlightened public opinion? If so, collect the benefits of the so-called popular societies, of this often disorderly movement of ardent petitioners who approached you more with a sense of need than with any knowledge of the right means; unite this knowledge to that sentiment, by having them represented in one or several *tribunes of proposition*.⁷⁵

Although Sieyès was hostile to clubs, he believed the reading public could contribute to discussions about new policies. However, to ensure both efficient lawmaking and political equality at the opinion-formation stage, proposals for new laws should be communicated through printed material, made in a personal capacity, and submitted through tribunes of proposition. Addressing the argument that citizens outside constituted powers may have excellent ideas for laws, Sieyès noted that these ideas would need to be screened by a workshop of proposition before they could be transmitted to the Legislative Body: “Those good ideas, those useful opinions, will naturally take the path that law and mores prescribe to them; they will pass through one of the constitutionally designated channels to arrive in the legislature in a better and more useful form.”⁷⁶ Thus, if a citizen suggested a policy proposal, it would not be directly transferred to the Legislative Body for deliberation, revisions, and a vote on the bill. In Sieyès’ perspective, this model of lawmaking may well preserve political equality at the *will-formation stage*, by having elected citizens voting on whether bills should become laws. But it did not preserve political equality at the *opinion-formation stage*—that is, the steps before the vote on bills takes place, starting with policy proposals. Indeed, if a citizen’s petition recommending a new policy was directly sent for consideration to the Legislative Body, that citizen would have more influence in opinion-formation than other citizens.

⁷⁵ “Opinion du 2 thermidor, an III,” 117. Emphasis in original

⁷⁶ “Opinion du 2 thermidor, an III,” 121.

Sieyès envisioned a scenario he had witnessed during the Revolution in which proactive citizens, especially members of the Parisian Jacobin club, imposed their policy prescriptions on the legislator in the name of the people. To avoid this scenario, he advised to have citizens' suggestions about policies considered by a distinct elected body. The Tribune had the ability to transform, through a vote, what was initially an individual opinion into a collective resolution officially endorsed by all citizens. By formally declaring if the people's general opinion coincided with a particular opinion, the Tribune enhanced the quality of proposals while preserving political equality at the opinion-formation stage. Subsequently, members of the Tribune went to the Legislative Body to defend the proposal in the people's name, before a second and final vote by a distinct body took place on whether the proposed bill should become a law. Having separate elected bodies—the Tribune and the Legislative Body—voting respectively on whether particular opinions should become bills and on whether bills should become laws made for a system where both the opinion-formation and the will-formation stages were traceable to the citizens' equal votes.⁷⁷

Once a bill had undergone a contradictory public debate between the two workshops of proposition, it would be submitted for a final vote to the Legislative Body. In 1789, Sieyès had praised the virtues of a deliberative legislative assembly.⁷⁸ By 1795, the experience of the Terror had made him wary of orators. To circumscribe their ability to manipulate opinion before bills are put to vote, Sieyès distinguished between the exposition of a bill, silent internal deliberation, and final voting. Delegates from the Tribune and the Proposition Jury were given an institutional monopoly over discussion on bills. Just as these two bodies competed for the attention of the reading public before submitting bills, once a bill was introduced, their delegates would debate its merits before the members of the

⁷⁷ When a single assembly were responsible for the introduction, discussion, and voting on laws, Sieyès saw a risk of confusion between opinion-formation and will-formation, potentially leading to poor lawmaking. See Lucien Jaume, "Sieyès et le sens du jury constitutionnaire : une réinterprétation," *Droits* 36/2 (2002), 115-134.

⁷⁸ "Views on the Executive Means Available to the Representatives of France in 1789," in *Political Writings*, 39-43.

Legislative Body.⁷⁹ As Sieyès explained in 1795, “my current conception is to put *eloquence* in the primary tribunes that decide nothing, and to *remove* it from the body that *makes* the law.”⁸⁰ The Legislative Body pondered the best decision in silence before voting on the bill. To further contain the damaging effects of eloquence, Sieyès insisted that written justifications be submitted alongside bills. Propositional tribunes such as the Tribune were not just “tribunes des harangues,” he insisted. They were also “tribunes des écrits.”⁸¹ To allow members of the Legislative Body to ponder the pros and cons of a bill, he also asked that they be granted a fourteen-hour interval to ruminate their decision. Relying on written documents in this procedure had the advantage, in Sieyès’ words, of “talking *reason*, to more *reasonable* ears.”⁸²

After the law was passed, opinion-formation would enter a new phase—the apprehension, by the reading public, of the final text that had been adopted. In his notes praising the advantages of printing over those of eloquence, Sieyès explained that the Legislative Body would also have its own official newspaper, in which all the pros and cons of bills, as they had been discussed by the workshops of proposition before the Legislative Body, would be available. At this stage, the reading public provided an alternative to Robespierre’s May 1793 conception of publicity, which, as we have seen, adjoined a large direct audience to the voting representative assembly. The Legislative Body, Sieyès asserted, “should not give preference to the curious who are present in the room. Its audience, its true tribunes, are *the reading nation* [*la nation lisante*]. Thus, it always remains calm above passions.”⁸³ The real judges of adopted laws were citizens spread across the nation who read both official and independent newspapers far from the nefarious influence of peer-pressure. Describing the merits of his system, Sieyès (2007d, 502) wrote that “I have...the advantage of making the ranks behind the true judges of

⁷⁹ Sieyès likened this procedure to two lawyers pleading their case in court. “Opinion du 2 thermidor, an III,” 123-25.

⁸⁰ “Discussion sur la constitution, l’an III. Imprimerie politique 3,” MS2, 502. Emphasis in original.

⁸¹ “Imprimerie 2,” 500-1.

⁸² “Imprimerie 2,” 501.

⁸³ “Discussion sur la constitution, l’an III. Jury de votation,” MS2, 523. Emphasis in original.

what is happening in the center, since they have the same pieces of information in front of them. Thus, I shape the best public opinion on every political act, I give to the moral force of evidence... all the authority it must have today or tomorrow. I have for me the true national tribunes.”⁸⁴

At each stage of the legislative process, Sieyès’ reading public was thus guided by expert bodies communicating via official newspapers. Workshops of proposition first competed to convince the reading public about their respective legislative agenda. Public reason then took shape within the Legislative Body. Last, a larger social consensus on adopted laws took shape after the Legislative Body made public the deliberation that took place within its walls between the orators of the Tribunate and the government’s jury of proposition. At that juncture, an additional institutional actor came into the picture.

Sieyès’ *Jury Constitutionnaire* is sometimes described as an ancestor to constitutional courts.⁸⁵ Another, not incompatible interpretation is to see it as Sieyès’ alternative to Robespierre’s popular checks on unconstitutional laws, which heralded clubs as guardians of the constitution. For Sieyès, relying on club-based public opinion to verify the constitutionality of laws placed this prerogative in the hands of ignorant and unruly citizens.⁸⁶ Therefore, the role of overseeing the integrity of the constitution should be assigned to a designated body that kept the reading nation informed of its verdicts. In his speech of 18 Thermidor detailing the functions of the Constitutional Jury, Sieyès asserted that it would declare some acts unconstitutional based on reclamations coming first and foremost from other constituted powers, namely the Tribunate, the Legislative Assembly, and the government. His only opening to extra-institutional political life, in this context, was to grant to

⁸⁴ “Imprimerie politique 3,” 502.

⁸⁵ Pasquale Pasquino, *Sieyès et l’invention de la constitution en France* (Odile Jacob, 1998), 12-13.

⁸⁶ “Opinion sur le jury constitutionnaire,” 134-135.

citizens a tightly regulated right of individual reclamation.⁸⁷ This way, the responsibility of apprising the reading public of constitutional transgressions was entrusted to experts, rather than to disorderly clubs endeavoring to mobilize public opinion towards their agenda.

Alongside the power to control laws, the Constitutional Jury had other prerogatives, including the power to initiate constitutional reforms. As previously shown, Sieyès expected workshops of proposition to propose *ordinary* laws after investigating the people's needs. The Jury played a similar role when changes to *fundamental* laws were necessary. Sieyès explained that the Jury would act as a “workshop of propositions for amendments that time might impose upon the constitution.”⁸⁸ To achieve this, the Jury worked in tandem with the reading nation to generate a longstanding public opinion. Sieyès depicted the Jury as a receptacle of new ideas about constitutional reforms. Every ten years, it would select the best suggestions expressed in the preceding period and outline a project of constitutional amendment that included those ideas. Like the opinion-formation process for ordinary lawmaking, this procedure combined the public's suggestions with expert knowledge, shaping an enlightened public opinion about constitutional changes: “I cannot think of a simpler procedure for constitutional reform: none that would be better suited to collect the wish [*voeu*] of the people without separating it from enlightened wisdom.”⁸⁹

In this system, impulsive constitutional changes dictated by clubs would be avoided. Discussing the role of the Jury, Sieyès explained that designated experts “sheltered from deleterious passions” were better able than ordinary citizens to privilege the nation's long-term interests over short-term whims.⁹⁰ Once the constitutional project was ready, it would be printed, given “the widest possible publicity,” and communicated to the Tribunate and the Legislative Body. Citizens would then

⁸⁷ “Opinion sur le jury constitutionnaire,” 136.

⁸⁸ “Opinion sur le jury constitutionnaire,” 131.

⁸⁹ “Opinion sur le jury constitutionnaire,” 140.

⁹⁰ “Opinion sur le jury constitutionnaire,” 130.

have three months to consult the Jury's "improvement *notebook* or *project*."⁹¹ During that interval, the people acted once again as a reading public, this time in anticipation of their vote on whether to proceed with the proposed constitutional changes. At the next elections, the voting citizenry decided if they wished to delegate constituent power (the power to change the constitution) to the incoming Legislative Body, which would vote on the proposed changes.⁹² Just as properly informed public opinion allowed the Legislative Body to pass ordinary laws in an appropriate intellectual climate, longstanding public opinion enabled citizens to delegate constituent power to the Legislative Body, having previously considered the nature of the proposed constitutional changes.

1799: Bonaparte's Subdued Public

The Directory (1795-99) failed to realize Sieyès' ideal system. Shortly after his speeches to the Convention, his constitutional proposals were dismissed as unworkable.⁹³ The 1795 constitution prohibited collective petitions and restricted the right of association. This aligned with Sieyès' vision. However, while Sieyès advocated for a free press, article 355 allowed a temporary "prohibitive law" to regulate press freedom "when circumstances make it necessary." For the Thermidorians, Sieyès' reading public was a fantasy. Pierre Daunou, a member of the constitutional committee, deemed it unreasonable to expect "a truly common opinion" to take shape on "new or complicated questions, on the personalities who succeed each other quickly in politics."⁹⁴ In his 1795 speeches, Sieyès had criticized bicameralism as conducive to either anarchy or despotism.⁹⁵ In contrast, the Thermidorians defended it as a safeguard against parliamentary despotism. According to the rapporteur of the

⁹¹ "Opinion sur le jury constitutionnaire," 139. Emphases in original.

⁹² "Opinion sur le jury constitutionnaire," 139-140.

⁹³ Marc Lahmer, "Sieyès lors des débats constituants de l'an III: autopsie d'un échec," in *Figures de Sieyès*, eds. Jean Salem, Vincent Denis, and Pierre-Yves Quiviger (Editions de la Sorbonne, 2008), 43-82.

⁹⁴ Quoted in Popkin, *Revolutionary News*, 176.

⁹⁵ Lucia Rubinelli, "Sieyès versus Bicameralism," *Review of Politics* 81/2 (2019): 255-279.

constitutional committee, “active surveillance” between two chambers would in fact relieve citizens of the burden of closely tracking lawmaking.⁹⁶

Amid ongoing political challenges, the Thermidorian elite began manipulating electoral results. The Fructidor coup (September 4, 1797) expelled over two hundred royalist deputies who had just gained a legislative majority; the Floréal coup (May 11, 1798) invalidated the election of over a hundred Neo-Jacobins who had shifted the balance less than a year later. From 1795 onwards, the Thermidorians also clamped down on associations and newspapers. In May 1799, Sieyès returned from his ambassadorial role in Berlin to join the executive Directory. Once in office, he campaigned to replace the 1795 constitution to prevent a Neo-Jacobin take over, leading to the closure of their rallying point, the Club du Manège, with his approval.⁹⁷ Under the existing constitution, constitutional reforms required nine years to take effect. To circumvent this delay, Sieyès orchestrated the coup of 18th Brumaire (November 9, 1799) with Bonaparte. This revealed a mismatch between actual politics and Sieyès’ ideal vision, albeit only partially. The right of association was already absent from his 1795 constitutional proposals, and his constitutional proposals had not been followed. From his perspective, the current state of anarchy demonstrated that the Thermidorians were incapable of designing effective constitutions.

Sieyès was soon tasked by Bonaparte with drafting a new constitution. On one hand, Sieyès became more conservative. His proposals introduced a multi-layered electoral system that allowed citizens only to draw up a list of candidates for political offices, with the ultimate appointments made by constituted authorities.⁹⁸ On the other hand, he reintroduced the institutions from his 1795 design, sometimes under new names.⁹⁹ The Legislative Jury would vote laws in silence, while the Tribunate

⁹⁶ François-Antoine Boissy d’Anglas, *Discours préliminaire au projet de constitution pour la République française* (Paris, 1795), 4.

⁹⁷ Bastid, *Sieyès*, 221-26.

⁹⁸ Jainchill, *Reimagining Politics*, 229-230.

⁹⁹ Bastid, *Sieyès*, 253-4.

would propose laws alongside two Councils of State (instead of a single jury of proposition) linked to two Consuls responsible for executing laws. The Constitutional Jury was replaced by a College of Guardians that retained oversight of laws and constitutional revisions.¹⁰⁰

In 1795, Sieyès aimed to avoid the tyranny of clubs. After Brumaire, a new threat emerged: the charismatic general whose popularity captivated an apathetic public. As Boulay de la Meurthe, who served as a de facto secretary to Sieyès during the drafting of the Constitution of the Year VIII, recalled, “[Sieyès] feared the influence that an eminent citizen, distinguished by his talents and services, could exert over the masses. History had taught him that such citizens, once they become the object of widespread and blind admiration, may abuse it to serve their own ambitions.”¹⁰¹ Under Bonaparte’s authoritarian tendencies, Sieyès worried that his reading public might become a lethargic audience. Foreseeing a scenario in which the people might willingly submit to a master, he boldly stated in a preliminary article of his first constitutional draft that “a supposed contract between the mass of citizens and one or several masters is a false idea, a political and moral monstrosity.”¹⁰²

To avoid this scenario, Sieyès sought to prevent the head of the executive from calling a plebiscite by designing a complex constitutional revision procedure involving multiple actors.¹⁰³ This move immediately drew Bonaparte’s ire.¹⁰⁴ He also designed a largely symbolic institution (the “Great Elector”) to limit Bonaparte’s personal power—another point of contention for the General.¹⁰⁵ Further, Sieyès aimed to preserve the Tribune’s role as a “center of popular demands” to collect citizens’ petitions and propose policies accordingly.¹⁰⁶ As in 1795, the Tribune would thus act as the institutional dialogue partner for the reading public. This approach further irritated Bonaparte, who

¹⁰⁰ Sieyès, “Quatre Projets de Constitution de l’An VIII,” *Jus Politicum* 22 (2019): 73-89.n

¹⁰¹ Antoine Boulay de la Meurthe, *Théorie constitutionnelle de Sieyès: Constitution de l’An VIII* (Renouard, 1836), 39.

¹⁰² Sieyès, “Premières Idées de la Constitution de l’an VIII,” *Jus Politicum* 22 (2019), 45.

¹⁰³ “Premières Idées,” 47-49.

¹⁰⁴ Rubinelli, *Constituent Power*, 50.

¹⁰⁵ Patrice Guennifey, *Bonaparte* (Gallimard, 2013), 635-42.

¹⁰⁶ “Premières Idées,” 63.

preferred a submissive form of public opinion. Boulay de la Meurthe recalled that during the drafting of the Constitution of the Year VIII, “Sieyès had granted [the Tribunal] the right to propose to the legislative body the laws it deemed necessary for the needs of the people, but after a rather lengthy debate, this right of proposal was taken away from it and reserved solely for the government. It was thought that giving this power to the Tribunal would arm it too strongly against the government and provide it with too great a means of stirring up public opinion.”¹⁰⁷ Ultimately, Sieyès’ role in the drafting process was overshadowed by Bonaparte’s active involvement, resulting in a constitution that established an all-powerful First Consul as head of the executive—an office absent from Sieyès’ proposals—and was ratified through a plebiscite.¹⁰⁸

At stake in this confrontation were two competing conceptions of the public. Like Sieyès, Bonaparte and his allies (such as Pierre-Louis Roederer) disapproved of political assemblies, particularly clubs.¹⁰⁹ However, this distaste for the people assembled led to different outcomes. In 1799, Sieyès still advocated for a dispersed yet critical public, informed through neutral official newspapers alongside a free press. He remained committed to accountability through publicity, believing that independent expert bodies should engage in a dialogue with the reading nation. In contrast, the Bonapartists saw a disassembled public as a means to sever citizens’ communications with one another, which enabled manipulation. Unlike Sieyès, Bonaparte and Roederer not only suppressed clubs but also imposed heavy press censorship and state-sponsored propaganda, all while praising the advantages of limited discussion and secrecy in the lawmaking process.¹¹⁰ Their aim was to transform isolated citizens into a credulous audience. As Bonaparte noted already in 1797, “the

¹⁰⁷ Boulay, *Théorie constitutionnelle*, 60.

¹⁰⁸ Bastid, *Sieyès*, 255-58.

¹⁰⁹ Garsten, “Popular Sovereignty,” 248-49.

¹¹⁰ André Cabanis, *La presse sous le Consulat et l'Empire* (Société des Etudes Robespierriennes, 1975); Jean Tulard, “Napoléon ou la maîtrise de l’opinion publique,” in *Opinion publique et crise de la démocratie*, ed. François d’Orcival (Presses Universitaires de France, 2019), 97-110.

nation needs a leader, a leader illustrious with glory, and not theories of government...which the French understand nothing about. Give them rattles; that is enough for them; they will be amused and let themselves be led, provided that the end towards which they are being led is skillfully concealed from them.”¹¹¹ On Sieyès’ analysis, under Napoleonic rule, what could have been a reading nation would instead devolve into a deceived public.

The Shapeshifting Public

In recent decades, democratic theorists have revisited the French Revolution and its aftermath to unearth forgotten conceptions of public opinion. Jeffrey Green’s theory of “ocular democracy,” influenced in part by Benjamin Constant, posits that public opinion emerges from “the eyes of the people.” Through the act of watching, citizen-spectators compel decision-makers to present themselves in public, subject to conditions they cannot fully control.¹¹² In contrast, theorists advocating a vocal model of opinion-formation, drawing on Condorcet, interpret public opinion as emerging from a “forum” where citizens voice their opinions through associations, parties, and demonstrations.¹¹³ As this essay has shown, during the French Revolution, alternative conceptions of public opinion emerged that did not prioritize either passive sight or proactive voice, one of which was advocated by Sieyès. In 1789-90, Sieyès portrayed writers as the guides of public opinion; after the Terror, expert bodies became the main opinion-makers. In 1795, Sieyès outlined a complex representative system in which elected institutions with distinct functions communicated with the reading public through official newspapers while integrating citizens’ written suggestions. This literary

¹¹¹ Napoleon Bonaparte, *Pensées politiques et sociales*, ed. A. Dansette (Flammarion, 1962), 32.

¹¹² Jeffrey Green, *The Eyes of the People: Democracy in an Age of Spectatorship* (Oxford University Press, 2010).

¹¹³ Nadia Urbinati, *Representative Democracy: Principles and Genealogy* (University of Chicago Press, 2006), esp. chapter 6; Nadia Urbinati, *Democracy Disfigured: Opinion, Truth, and the People* (Harvard University Press, 2014). See also Pierre Rosanvallon, *Counter-Democracy: Politics in an Age of Distrust*, transl. Arthur Goldhammer (Princeton University Press, 2008).

version of public opinion provided a counterpoint to Robespierre's vocal public assembled in clubs. In 1799, Sieyès contrasted this view with Bonaparte's admiring audience. Throughout the Revolution, a key aspect of Sieyès' theory of public opinion remained constant: beyond elections, the people should not be assembled. Instead of a visible presence with a collective voice, à la Robespierre, the people took the form of a dispersed reading public. Thanks to publicity and a free press, these citizens would not be apathetic admirers, à la Bonaparte, but active readers and writers.

Reconstructing Sieyès' theory alongside competing conceptions of the public within the sensitive context of the Revolution can illuminate the potential limitations of contemporary voice-based and sight-based conceptions. Sieyès critiqued the voice-based account for underestimating ordinary citizens' limited knowledge of public policies and their reluctance to assemble and engage in person in political matters. This perspective also reinforced inequalities by granting proactive, well-connected citizens greater influence in opinion-formation, especially during the policy drafting phase. In contrast, the sight-based account recognized that citizens in modern commercial societies valued individual freedom over constant political engagement in assemblies. It also potentially mitigated political inequality by granting each citizen equal weight in the public gaze. However, by misconstruing how citizens should engage with politics from the quiet of their home—passive watching instead of active reading—this account facilitated the emergence of plebiscitary governments. Sieyès sought to achieve both involvement without in-person participation and increased equality in opinion-formation by emphasizing critical thinking over mere spectatorial enjoyment. His ideal public would emerge only with a program of public instruction promoting reading and writing alongside a balance of powers governed by rules of publicity. In their absence, a sight-based public risked becoming an adoring

public. By incorporating both expert bodies and a reading public into opinion-formation, Sieyès hoped to circumvent “audience democracy” without requiring a constantly assembled citizenry.¹¹⁴

Sieyès’ conception of public opinion faces challenges of its own. Even with high literacy rates, it is difficult to assess how many citizens could keep pace with the legislative process while expert bodies handle the complex tasks of designing, discussing, and reviewing laws. Furthermore, the influence of the reading public establishes a minimalist standard for political agency. If expert bodies operate as a technocratic government, selectively addressing or ignoring individual suggestions, citizens would have limited means to challenge it. In these respects, Sieyès’ vision remained rooted in the pre-revolutionary belief in the inevitable progress of reason.

Given these respective limitations, we may wonder what a combination of reading-based, voice-based, and sight-based accounts might entail. In a recent discussion of Sieyès’ legacy, Melissa Schwartzberg characterizes contemporary citizens as “passive-aggressive”: sometimes making noisy interventions, while at other times quietly but firmly expressing disapproval.¹¹⁵ This essay underscores that the organs through which citizens make these interventions and the settings in which they do so are equally significant. Revisiting the competing conceptions of public opinion from the French Revolution suggests the transversal idea of a shapeshifting public. During the Revolution, Robespierre, Sieyès, and Bonaparte each sought to privilege one form of public over another. Today, beyond voting, the people can be viewed as a political agent that alternates between speaking, admiring, and reading in various configurations. When assembled, citizens can use their voice to disrupt lawmaking; when dispersed, they engage by watching and reading about politics, often with different results. This shapeshifting conception sidelines the question of which type of public is superior. Instead, it

¹¹⁴ On audience democracy, see Bernard Manin, *The Principles of Representative Government* (Cambridge University Press, 1997), 218-235.

¹¹⁵ Melissa Schwartzberg, “Passive-Aggressive Citizenship,” in *Passive and Active Citizens*, ed. Stephen Macedo (Princeton University Press, 2024), 82-92.

encourages reflection on the forms the public takes depending on the political issues at stake, as well as an examination of the predominant kinds of publics in different democratic contexts. In environments where an admiring public prevails, the challenge for contemporary democratic theorists lies not in eliminating this spectatorial role but in finding ways to balance it by stimulating alternative modes of expression, whether through voice or reading and writing.

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