



Volume 2. From Absolutism to Napoleon, 1648-1815
Friedrich Cotta, *On the State Constitution in France* (c. 1793)

Friedrich Cotta, a supporter of the pro-French revolutionary German republic in Mainz, describes the accomplishments of the French Revolution from the perspective of 1793, that is, after the proclamation of the republic. Note that Cotta primarily emphasizes revolutionary achievements fulfilling the liberal and democratic agendas, and does not dwell on the revolution's instability or violence.

On the State Constitution in France

Dear people!

You have for some time been hearing so much about the constitution in France; a part has despised it, but the better part has praised it. You ought to know what it consists of; you may then judge for yourselves whether it is good, or whether it is no better than your current one.

In France, all people are free. Thus, there are no bond-men there. Moreover, no man is the master of another, and even the employer can demand from the domestic or servant in matters of service only what has been agreed upon in the service contract.

In France, all people are equal in rights. Thus, the son of a farmer can, if he is qualified, become a minister or archbishop just as well as the son of a king, whereas in many other countries one cannot get such a post if one is not of ancient high-noble, ducal, or princely blood, whatever they call it. Also, in France a so-called nobleman or count has no preference whatsoever over the craftsman on account of his birth; the poor citizen finds before the judge just as much justice as the richest, and the latter, if he is deserving of punishment, will be punished the same way as the poor. Precisely because all people are equal, the nobility with all its privileges has been abolished for ever.

Liberty is the right to do whatever is not forbidden. In France, however, only that is forbidden which every reasonable person would prohibit to himself, namely, what would hurt someone else. Those things that hurt others are prohibited by law; in France, however, the laws are not made by a king or elector or a magistracy, but by the nation itself; for it elects men from all provinces or departements to a national convention or assembly, and these men have to study which laws are necessary to promote the general welfare. These laws are then written down

and are the expression of the general will of the people. Equality is the right to demand of others that they must do what one must do oneself, and not do what one is not allowed to do oneself. That is why in France everyone can say, write, and print what he wishes, as long as he does not insult anyone by doing so. Moreover, because of equality, everyone in France must pay dues according to his income, everyone must subordinate himself to the laws, regardless of whether he is a cleric or layman, rich or poor.

Other than the dues to the people itself, one pays no other ones to a nobleman or a cathedral chapter, no tithe or the like. In France, abandoned children are raised at the expense of the republic.

The infirm poor are supported there, and the poor without employ are helped to earn an adequate living. In France they are also building schools to which every citizen can send his children free of charge, and where they can learn everything a person needs to know.

In a word: in France, everything has been abolished that in other countries and cities still goes against freedom and against the equality of the laws; by contrast, in France, every effort is made so that all people may live contentedly and happily.

That is also the goal of the following, special institutions for which the constitution of France is notable.

All of France is divided into certain regions, called departements, and these in turn are divided into districts in such a way that every citizen can reach the chief town of his district in one day, and the main town of the departement in at most two days on foot. In the main town of the departement live those who look after the common weal of the entire departement, and who must keep watch over the officials of the districts within it, so they will do what they are supposed to; they are called departement administrators. In the main town of the districts are likewise the district administrators who are placed over the municipalities. For in each community there are a few officials who look after the common weal of the community; they are called the municipality, but the first among them is also referred to as the mayor of the community. But in matters that are of particular concern to the entire community, the municipality may not act on its own, but must ask the committee of the citizens, called notables to do so. All these departement administrators, district administrators, mayors, municipalities, notables, as well as judges, postal officials, and in general all officials are elected by the citizens whom they serve; if they fail to do their duty, they are dismissed by their superiors, and the citizens elect themselves new ones.

All officials must perform their office publicly, so that everyone who wishes can listen as they carry out their duties, present their accounts, and so on.

Justice is administered in France free of charge, and because trials always cause great unpleasantness, separate mediation courts and the like have been set up, where an attempt is

first made to settle the disagreement amicably before one lets it come to a trial. In France, no person can be executed except in accordance with a court judgment and the law. The ministers must see to it that the laws are carried out throughout the realm, that peace, quiet, and order prevail everywhere, that trade and commerce are not disturbed, especially that food can be freely brought everywhere, also that the officials all do what they are supposed to, and so on. In France the ministers, too, are elected by the citizens from amongst themselves, and the ministers, too, are punished in France if they do not exercise their office properly. Other than the ministers there was in France also a king, but he was deposed because he was performing his service only to the detriment of the people, and the people completely abolished an office as superfluous, costly, and dangerous to liberty as the office of a king or prince. That is why France is now called a republic, because only citizens are elected to all offices for a specific period of time in order to look after the common weal of their fellow citizens, and in case they do not do so, they can be deposed and punished without distinction.

The army exists in France only to defend against enemies and to preserve the public peace; it may not get involved in any civil matters. Recruitment into the soldiers' estate is done voluntarily, and the soldier, once his period of service is over, must be released free of charge. Soldiers must be treated fraternally by their officers, receive no blows with sticks, but are given good pay, salubrious bread and meat, clothing, and so on, and if they serve meritoriously or become old serving, a pension. From among the soldiers are chosen the non-commissioned officers, from among those the lieutenants, and thus upward all the way to the general.

Thus everything has been arranged in France such that every inhabitant can live securely, independent of others, and undisturbed in his trade, contentedly and happily.

Long live the Frankish people! Long live freedom and equality!

Source: Friedrich Cotta, *Von der Staatsverfassung in Frankreich* [*On the State Constitution in France*] (c. 1793); reprinted in C. Träger, *Mainz zwischen Rot und Schwarz* [*Mainz between Red and Black*]. Berlin: Rütten & Leoning, 1963, pp. 243-48.

Also reprinted in Jost Hermand, ed., *Von deutscher Republik 1775-1795. Texte radikaler Demokraten* [*Of the German Republic 1775-1795. Texts by Radical Democrats*]. © Insel Verlag, Frankfurt am Main, 1968, pp. 96-99.

Translation: Thomas Dunlap