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## Emergency Measures and Contingency in the French Revolution, 1792-1794

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**THE FLORIDA STATE UNIVERSITY  
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**EMERGENCY MEASURES AND CONTINGENCY IN THE FRENCH REVOLUTION,  
1792-1794**

**By**

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## **ABSTRACT**

The historiography of the French Revolution is perhaps the most extensive and diverse of any event in world history. A significant portion of this historiography has viewed the Revolution as the culmination of long-term trends, whether political, social or cultural. The goal of this study is to suggest that such approaches should not obscure the importance of circumstance and contingency in shaping the outcome of the Revolution.

This argument is developed through an examination of four emergency measures ratified by the revolutionary government between 1792 and 1794. These measures formed the political basis for the Terror, and their enactment forced political leaders to constantly question the nature of the Revolution and their role in directing its progress. In this process, factors such as the military crisis, public disorders and administrative breakdown played a crucial role. This suggests that the immediate circumstances of 1792-94 were crucial in the factionalism and centralization that developed over the course of the Terror.

## INTRODUCTION

The use of repressive measures by a government in response to a perceived state of emergency inevitably raises an important question for historians- are such measures truly motivated by the immediate circumstances? Or, in contrast, are they the result of a wider phenomenon, the roots of which extend far beyond a specific crisis? These questions are especially important for consideration of the Reign of Terror in the French Revolution, and have figured prominently into the historical literature on the subject. In much of this literature, the interpretation of the Terror as a reaction to military defeat and counter-revolutionary opposition is discounted. Instead, explanations are found in underlying trends set in motion long before the actual beginning of the Terror. For historians influenced by Marxist analysis, political repression was a consequence of inherent tensions between economic and social classes. A competing interpretation, typically identified as the revisionist approach, contends that the Terror was shaped less by class struggle than by political culture and intellectual trends. In spite of their disagreement on key issues, each of these interpretations views the repressive system of the Terror as a product of longstanding trends largely independent of the specific events of 1792-94. Several recent works have shown that such an approach cannot fully explain the political development of the Revolution. In this study, I argue that the government of the Terror was shaped by a fluid political situation, which forced revolutionary leaders to constantly question the nature of the Revolution and their role in directing its progress.

The first study to examine the antecedents of the Terror was Alexis de Tocqueville's 1856 publication, *The Old Regime and the French Revolution*. In this groundbreaking work, Tocqueville carefully analyzed political developments in the final years of the Old Regime in order to show their importance for what came next. In the decades before the Revolution, Tocqueville concluded, the stage was set for the creation of "a vast, highly centralized power," a process that would continue through the Terror, reaching its peak during the First Empire. Over the course of the Revolution, Tocqueville argued, this power developed into "an all-powerful bureaucracy [which] not only took

charge of the affairs of state but also controlled men's private lives.”<sup>1</sup> In this interpretation, the actions of revolutionary leaders were discounted as an explanation for events, replaced by a model that subordinated individuals to processes that had been developing for decades. This basic understanding, interpreted in a variety of conflicting ways, was to form the basis for much of the scholarship of the twentieth century.

The most significant of the few historians who directly contested this interpretation was Alphonse Aulard. In Aulard's view, the Terror was a product of events rather than processes, specifically the military crisis that began in 1792. In 1907, Aulard argued that the “Jacobin dictatorship was a dictatorship of national defense.” For Aulard, military necessity was the primary factor in the centralization of power during the Terror. “The state of war,” he argued, “seemed to necessitate a provisional confiscation of powers, and this is how the government of France became *revolutionary*.”<sup>2</sup> This argument clung to the assumption, challenged by Tocqueville, that the revolutionary leaders had been forced to resort to the centralization of power as a response to immediate circumstances. In this interpretation, the Terror could not be described as a product of a long-term process, since it was so closely linked to the conditions unleashed by the war. Much of Aulard's significant body of work focused on proving this connection, but new schools of thought that discounted such an interpretation soon came to overshadow his work.

Shortly after Aulard's 1907 publication, the work of two historians laid the basis for both the Marxist and revisionist approaches. The forerunner of the revisionist approach was Augustin Cochin. Cochin's premature death in 1916 had left his work unfinished, but a number of posthumous publications offered a substantial analysis of the forces that shaped revolutionary politics. Like Tocqueville, Cochin believed that the nature of the Terror could be explained by examining the final decades of the monarchy. He focused on what he labeled “*the sociology of the democratic phenomenon*.” In this analysis, Cochin emphasized the importance of what he termed “philosophical societies.” These societies, he contended, were a product of Enlightenment theories of equality,

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<sup>1</sup> Alexis de Tocqueville *The Old Regime and the French Revolution* trans. Stuart Gilbert (New York: Doubleday, 1955), 8, 167

<sup>2</sup> Alphonse Aulard, *Taine, Historien de la Révolution Française* (Paris: Librairie Armand Colin, 1907), 217, 226, emphasis in original

which had produced a new form of social interaction that challenged the corporate institutions of the Old Regime. For Cochin, the Revolution marked the high point of development for these societies, characterized by an effort to subject the entire population to “the social fiction of a collective will.”<sup>3</sup> According to Cochin, both the centralization of power and the factional struggle were products of this triumph of Enlightenment ideology. Thus, where Tocqueville had stressed the importance of political developments during the Old Regime, Cochin argued for the centrality of cultural and intellectual trends.

Cochin’s work offered an important new perspective on the revolutionary phenomenon. However, in the early years of the twentieth century, contrasting interpretations based on the ideas of Karl Marx dominated scholarship on the French Revolution. The pioneering work of this school was Albert Mathiez’s 1927 study *La Vie Chère et le Mouvement Sociale sous la Terreur*. Mathiez described the Revolution as “a revolt of the poor against the rich, imposed by violence from below.” In this interpretation, the Terror was primarily an economic phenomenon. As Mathiez argued succinctly, “political Terror and economic Terror combined and marched with the same step.”<sup>4</sup> Thus, for Mathiez, the centralization of power was a response by the bourgeois leaders of the revolution to pressures from the lower classes. The political factions, in his view, represented contending social and economic interests within the bourgeoisie.

The works that followed this tradition reinforced the concentration on social and economic currents factors. In George Lefebvre’s account of the events of 1788-1789, Albert Soboul’s comprehensive study of the Parisian *sans-culotte* movement and George Rudé’s examination of the makeup of revolutionary crowds, emphasis on the “common people” signaled an interpretation of revolutionary politics as a reflection of class antagonisms.<sup>5</sup> Soboul, perhaps the most doctrinaire of the Marxist historians, offered a succinct summary of the Marxist view on the Terror in a 1974 article. Characterizing

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<sup>3</sup> Augustin Cochin, *La Revolution et la Libre Pensee* (Paris: Plon, 1924), xxvii, 232

<sup>4</sup> Albert Mathiez *La Vie Chère et le Mouvement Sociale sous la Terreur* (Paris: Payot, 1927), 611

<sup>5</sup> Georges Levebvre *The Coming of the French Revolution* trans. Robert Palmer (Princeton, New Jersey: Princeton University Press, 1988); Albert Soboul *The sans-culottes: the Popular Movement and Revolutionary Government 1793-1794* (Garden City, New York: Anchor Books, 1972); George Rudé *The Crowd in the French Revolution* (London: Oxford University Press, 1959)

revolutionary politics as a product of “collective conceptions and practice,” Soboul defined “two basic lines of revolutionary theory and practice,” the spontaneous actions of the popular movement on one hand and the centralizing tendencies of the leadership on the other.<sup>6</sup> Soboul associated these forms of revolutionary action with specific economic classes, the urban workers and the bourgeoisie, respectively. Soboul described the tension between these interests as the major factor in both the concentration of power and the struggles among the revolutionary leadership. In the Marxist school of thought, social and economic trends were viewed as the basis for the Terror.

Beginning in the late 1960’s, a number of important studies began to question the validity of the Marxist interpretation. These works contended that the narrow Marxist definitions of class simplified and obscured the complex social realities of eighteenth century France. Approaching the social groups that formed the basis of Marxist studies from a new perspective, historians such as Alfred Cobban and George Taylor showed how pre-determined and overly rigid definitions of class had been imposed to coincide with the Marxist worldview.<sup>7</sup> In light of these studies, the interpretation of revolutionary politics as a product of class struggle was largely discredited. In 1978, Francois Furet offered a bold alternative account that replaced social structure with political culture as the starting point for understanding the Revolution.

Extending Cochin’s interpretation, Furet stressed that the collapse of the monarchy had opened the way for the contestation of political legitimacy. He argued that the social model based on Cochin’s philosophical societies triumphed in this struggle by relying on “the production of a maximalist language” which allowed the revolutionary leaders to claim legitimacy, and thus power. The basis of this new discourse, according to Furet, was Enlightenment philosophy, which “had set up well in advance the conceptual framework of what was to become Jacobinism and the language of the

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<sup>6</sup> Albert Soboul, “Some Problems of the Revolutionary State 1789-1796” *Past and Present* no. 65 (Nov, 1974)

<sup>7</sup> Alfred Cobban *The Social Interpretation of the French Revolution* (Cambridge: Cambridge University Press, 1999); George V. Taylor “Noncapitalist Wealth and the Origins of the French Revolution” *American Historical Review* 1967 72(2), 469-496; Richard Mowrey Andrews “Social Structures, Political Elites and Ideology in Revolutionary Paris, 1792-94: A Critical Evaluation of Albert Soboul’s *Les Sans-Culottes Parisiens en l’An II*,” *Journal of Social History*

Revolution.”<sup>8</sup> In Furet’s interpretation, revolutionary politics were characterized from the beginning by the efforts of the revolutionary leaders to claim legitimacy based on an abstract conception of “the people.” Furet stressed the continuity of the revolutionary phenomenon. In this interpretation, both the creation of a centralized government and the factional struggle were dictated by the cultural and intellectual logic of the revolutionary project, which was in turn shaped by Enlightenment ideology.

Furet’s influence inspired a new school in the study of the Revolution, typically referred to as the revisionist approach, which greatly expanded the field of analysis. Historians increasingly focused on the cultural aspects of revolutionary politics as a window into the new “mentality” that characterized the Revolution. The Revolution was interpreted as a sweeping effort to recreate humanity. “Politics,” argued Lynn Hunt, “was not an arena for the representation of competing interests. It was rather an instrument for reshaping human nature, making citizens out of subjects, free men out of slaves, republicans out of the oppressed.” Mona Ozouf advanced the idea of the “new man” as “a central dream of the French Revolution, illustrated by a multitude [*une foule*] of texts with utopian allure.” While not entirely subscribing to the revisionist approach, Patrice Higonnet’s recent study of Jacobinism similarly stresses that, “the roots of Jacobin ideology existed latently as a sensibility before the Revolution.” Higonnet argues that this ideology inevitably resulted in a series of factional disputes that followed the same basic logic throughout the course of the Revolution.<sup>9</sup> The works inspired by the revisionist approach drew on the philosophical elements and charged symbolism of revolutionary rhetoric to interpret the political course of the Revolution. These powerful cultural influences, it was argued, shaped the psychology of revolutionary leaders and determined their political actions.

In spite of significant disagreements, there is an underlying similarity between Tocqueville’s emphasis on Old Regime centralization, the Marxists’ class-based analysis and the revisionists’ cultural approach. All of these explanations describe the Terror as

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<sup>8</sup> Francois Furet, *Interpreting the French Revolution* (Cambridge: Cambridge University Press, 1997), 50, 31

<sup>9</sup> Lynn Hunt *Politics, Culture and Class in the French Revolution*, 49, Mona Ozouf *L’Homme Régénéré: Essais sur la Révolution française* (Paris: Éditions Gallimard, 1989) 116-117, Patrice Higonnet, *Goodness Beyond Virtue: Jacobins During the French Revolution* (Cambridge and London: Harvard University Press, 8

part of a wider phenomenon. In this view, the revolutionary government was conditioned by long-term trends rather than the specific circumstances of 1792-94. Several recent works, however, provide grounds for questioning this interpretation. While not denying the importance of long-term trends, Roger Chartier noted that the violence of the Terror distinguished it from the “civilizing process” underway before the Revolution. Chartier reminds us of the need to consider that “the revolutionary event had a momentum and dynamic of its own that were not contained in any of its conditions of possibility.”

Another important historian in this respect is Timothy Tackett. In his study of the early years of the Revolution, Tackett has shown that,

It may be useful to shift the principle thrust of inquiry away from the broad analysis of the origins of the French Revolution in general, and to focus rather on the Revolutionary experience of the specific experience of the individuals who took part in and embodied that Revolution.

Tackett asks the important question, “How did men and women become Revolutionaries?” Stressing the importance of circumstance, Tackett argues that early revolutionary politics were shaped by “the renunciation of the very idea of constitutional monarchy by a substantial segment of the aristocratic elite and by the reigning monarch himself.” This is a point that has been further developed in Tackett’s study of Louis XVI’s attempt to flee France in 1791. Finally, Carla Hesse has shown that the “revolutionary law” of the Terror differed significantly from its Old Regime predecessors. Agreeing with Tackett on the importance of the issue of sovereignty, Hesse finds that, in contrast to Old Regime standards, “the revolutionary penal law functioned without a fixed reference to the sovereign,” after the fall of Louis XVI.<sup>10</sup> All of these studies suggest the need to consider in more detail the extent to which the Terror was shaped by immediate circumstances rather than long-term trends.

This study will address the issue by examining the emergency measures of 1792-94, a central element in the “revolutionary law” studied by Hesse. My argument is that the circumstances and events of these years forced revolutionary leaders to constantly

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<sup>10</sup> Roger Chartier, *The Cultural Origins of the French Revolution*, trans. Lydia G. Cochrane (Durham and London: Duke University Press, 1991), p. 197; Timothy Tackett, *Becoming a Revolutionary: the Deputies of the French National Assembly and the Emergence of a Revolutionary Culture, (1789-1790)* (Princeton, New Jersey: Princeton University Press, 1996), pp. 7, 313; *When the King Took Flight* (Cambridge, Massachusetts and London, England: Harvard University Press, 2003); Carla Hesse “La Logique Culturelle de la Loi Révolutionnaire,” *Annales* no. 4 (July-August 2002), pp. 915-933

question their leadership role in a manner that directly influenced the system of the Terror. In order to understand how new ideas about leadership developed, it is necessary to examine the means by which these ideas were expressed. This study will focus on three institutions in which revolutionary politicians asserted their leadership in various ways. At the beginning of 1792, the Legislative Assembly uneasily shared power with the king under a constitutional monarchy. When Louis XVI fell on August 10 of that year, the Assembly was replaced with the National Convention, which created the First Republic. For both assemblies, the emergency measures of 1792-94 were a means of asserting authority, and a central factor in the centralization of power that culminated with the Committee of Public Safety. In the revolutionary press, politicians, even members of the assemblies, could assert leadership independently of the government. As the violence of the Terror and the centralization of power increased, however, public assertions of leadership became dangerous. As a consequence, politicians who felt threatened by the Terror resorted to secrecy in their opposition to the government. Finally, in the Jacobin club, a debating society organized during the early years of the Revolution, tension existed between the desire for independent action and a sense of responsibility for supporting the government. In the end, support for the government won out. The club rejected a direct leadership role, focusing instead on maintaining the support of its members for the centralization of power. In all of these institutions, the meaning of revolutionary leadership was a central and decisive question during the Terror.

To examine the role of contingency in the Terror, I have focused on four emergency measures enacted by the government during this period. Through these measures, a political narrative of the Terror can be traced. In July of 1792, the Legislative Assembly issued a declaration of *la patrie en danger* (the fatherland in danger) in response to the military crisis. The Assembly viewed this measure as a means of asserting its authority over the executive branch. In the press and the Jacobins, however, political radicals called for the elimination of the monarchy altogether, a goal soon achieved by the revolution of August 10. In March of 1793, a series of public disorders broke out in Paris. While the Jacobins refused to take a leading role in these disorders, newspapers created an atmosphere of tension with detailed conspiracy theories.

In these circumstances, the Convention created the Revolutionary Tribunal, an extraordinary court intended to ensure order by punishing enemies of the Revolution. In December of 1793, the Convention sought to reorganize the entire government, assuring its prerogative as the source of all revolutionary action. Supporters of rival factions challenged this assertion by describing independent models for action in their newspapers. This conflict ended with the trial and execution of the factions. In June of 1794, members of the Committee of Public Safety convinced the Convention to reform the Revolutionary Tribunal, greatly increasing its lethal effectiveness. With the independence of the press and the Jacobins greatly weakened by the purge of the factions, politicians who feared the consequences of this measure were forced to resort to new means of action. This new style of leadership culminated in the secret plot that brought an end to the Terror.

Examination of these emergency measures offers insight into two central aspects of revolutionary politics, centralization and factionalism. Interpretations of the Revolution as part of a broader historical phenomenon have described these developments as part of a long-term process shaped by social or cultural trends in the Old Regime. In contrast, my goal is to show that the centralization of power and the struggles between rival factions during the Terror were contingent on the course of events in 1792-94 and political negotiation among revolutionary leaders in response to these events. The point is not to entirely discount the importance of enduring trends, nor to resurrect the argument that the actions of the revolutionaries can be excused on the basis of extenuating circumstances. Rather, it is to show how the ideas about leadership and government developed by the revolutionaries were part of a constantly shifting political process that cannot be fully explained by a meta-narrative based on long-standing factors.

## CHAPTER ONE: LA PATRIE EN DANGER

On April 20, 1792, after a long series of diplomatic crises, the Legislative Assembly issued a declaration of war against Austria. The aim of the war, as elaborated in the speeches of many of its supporters, was to spread the French Revolution to the other nations of Europe. The initial campaigns of this war, however, started with a series of setbacks for the French armies. As the military crisis developed in the summer of 1792, the Assembly naturally took a deep interest in the situation, issuing a series of decrees relating to the organization and supply of the armies. In addition to these specific actions, the Assembly considered a dramatic response to the initial military difficulties, a declaration of *la patrie en danger*, or “the fatherland in danger.”

Jean-Paul Bertaud has traced the effects of this declaration on France’s military effort. Throughout the country, volunteers responded to the call to arms, motivated by a new understanding of “the nation” that surpassed local loyalties.<sup>11</sup> The declaration signaled a new form of warfare, one that theoretically mobilized the entire nation for the military effort. Historians of the Revolutionary wars have extensively studied the military implications of this development.<sup>12</sup> Here, I will focus on the political origins and consequences of the declaration of *la patrie en danger*. This event must be examined in the context of contemporary French understandings of the role of the army in society. Several studies have traced the process of military reform in France, which followed the humiliating results of the Seven Years’ War and was still underway when the Revolution began. These works have shown that the reforms were based on traditional ideas about

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<sup>11</sup> Jean-Paul Bertaud “The Volunteers of 1792” ed. Alan Forrest, *Reshaping France: Town, Country and Region During the French Revolution* (Manchester and New York: Manchester University Press, 1991).

<sup>12</sup> For a selection of the multiple treatments of this subject, see Albert Soboul, “Problemes de la Guerre Révolutionnaire en l’An II” *Pensée*, vol. 85 (1959), pp. 33-48; Norman Hampson “The French Revolution and the Nationalization of Honor” ed. M.R.D. Foot *War and Society: Historical Essays in Memory of J.R. Western, 1928-1971* (London: Paul Elek, 1973), pp. 199-212; Jean Paul Berthaud *La Révolution Armée: Les soldats-citoyens et la Révolution française* (Paris: Robert Lafont, 1979); Robert Palmer, “Frederick the Great, Guibert, Bulow: From Dynastic to National War,” ed. Peter Paret, *Makers of Modern: Military Thought from Machiavelli to Hitler* (Princeton: Princeton University Press, 1986) pp. 91-119; Samuel F. Scott *From Yorktown to Valmy: the Transformation of the French Army in an Age of Revolution* (Niwot: University Press of Colorado, 1998), pp. 165-186.

the close links between nobility and military service.<sup>13</sup> The political and social implications of warfare in the Old Regime were thus connected to the feudal system and the role of the aristocracy in society.

By calling the entire nation to arms, the declaration of *la patrie en danger* directly contradicted the Old Regime understanding of the military nobility. Just as the traditional views on the military had carried political significance, the new vision of warfare embodied by the declaration had important consequences for revolutionary politics. On one hand, the Legislative Assembly used the declaration as a means of undermining the legitimacy of the faltering monarchy and reinforcing its own authority. In this respect, it attributed to itself the role of military leadership traditional associated with the king. At the same time, though, radical leaders outside of the Assembly used the declaration as an opportunity to press their own agenda and attack their moderate rivals. Thus the political implications of the declaration of *la patrie en danger* helped to encourage the trends of centralization and factionalism that would play a vital role in the next several years. This illustrates the role played by the military crisis that began in 1792 in the emergency measures that formed the basis of the Terror.

### Executive Conspiracies and Regulating Actions

On June 24, with news of setbacks at the frontiers worsening by the day, the Legislative Assembly asked the king's ministers for a report on the situation with recommendations on the means to "save Paris from an invasion."<sup>14</sup> When the ministers delivered their response five days later, however, they refused to take responsibility for the situation. "The executive power," they reminded the Assembly, "cannot make laws, even provisional ones; it can only issue proclamations in conformity with the laws, to provide for their execution." The ministers declared their willingness to work with the

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<sup>13</sup> Jay M. Smith "Honor, Royal Service and the Cultural Origins of the French Revolution: Interpreting the Language of Army Reform" *French History* vol. 9, no. 3 (1995) pp. 294-314; Rafe Blaufarb, "Noble Privilege and Absolutist State Building: French Military Administration After the Seven Years' War" *French Historical Studies*, vol. 2, no. 2 (Spring 2001), pp. 223-246; David C. O'Brien "Traditional Virtues, Feudal Ties, and Royal Guards: the Culture of Service in the Eighteenth Century *Maison Militaire du Roi*" *French History* vol. 17, no. 1 (2003), pp. 19-47.

<sup>14</sup> *Gazette Nationale, ou le Moniteur Universel* [Moniteur] June 25, 1792.

Assembly, while making it clear that “the great measures, *Messieurs*, the only ones that can have an effect, it is from you that they must come.”<sup>15</sup> At the same time, the minister of war read to the Assembly a letter written by Louis XVI and addressed to the army. The king assured the army of his confidence in their success, while at the same time seeking to pass responsibility for directing the war effort to the Assembly. “Do not discount the sacred name of liberty,” he began, “know that it consists of obeying only the laws and that the first duty is to be loyal to them.” To assure the soldiers, Louis reminded them that “the king has submitted [to the laws] with urgency and without reserve; let this example encourage you to brave every danger, rather than fail that which you have sworn to obey.”<sup>16</sup> The king’s insistence on displaying his submission to the laws, and thus to the Assembly, is highly significant. Certainly, the king and his ministers had an interest in making the Assembly seem responsible for the war, and thus for the initial defeats. The Assembly had long asserted that, as the embodiment of popular sovereignty, it represented the highest authority. The king and his ministers played on this rhetoric to avoid taking responsibility for the military situation, affirming that the Assembly was solely accountable for coming up with solutions to the crisis.

The Assembly was already prepared to accept this responsibility, and in early June had created an Extraordinary Commission to monitor the military situation.<sup>17</sup> On June 25, the day after the ministers addressed the Assembly, the Commission offered its own report. The Commission’s spokesman, Jean Debry, proposed that the Assembly issue a declaration proclaiming *la patrie en danger*.<sup>18</sup> Debry suggested that such a declaration would function as a means of “rallying uncertain spirits around the public good.” Reflecting the Assembly’s interpretation of its authority and responding to the statements of the king and the ministers, he argued that such an initiative “must come principally from the legislative body.” Debry asserted that the people were already

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<sup>15</sup> *Compte Rendu a l’Assemblée Nationale par les ministres du roi* (Paris: Imprimerie Nationale, 1792), p. 4.

<sup>16</sup> *Moniteur*, June 30, 1792

<sup>17</sup> Colin Jones *The Longman Companion to the French Revolution* (London and New York: Longman, 1988), p. 20.

<sup>18</sup> For information on Debry, see *Nouvelle Biographie Generale [Biographie]* (Paris: Firmin Didon Frères, 1855-1866) vol. 13, p. 294.

prepared to act in defense of their liberty. However, he warned, “if this movement is not regulated, it is nothing but a profound commotion which could be fatal to many individuals, and even liberty itself.”<sup>19</sup> Presented in these terms, the declaration of *la patrie en danger* forced the Assembly to consider the measures necessary to deal with the emergency. The Commission’s report suggested that the Assembly could assert its leadership by openly declaring that France was in danger, thus implying that extraordinary measures were necessary. Otherwise, the Assembly risked seeing the revolutionary “movement” degenerate into chaos.

The Commission suggested several specific measures to accompany the decree declaring *la patrie en danger*. These proposals illustrate the results the Commission hoped to achieve with such a declaration. Highly significant was the central government’s assertion of control over local authorities. The proposal commanded all departmental and district councils to engage in “permanent surveillance,” announced all citizens able to bear arms should be in “a state of permanent activity,” and outlined a series of organizational measures necessary for this mobilization. The decree also asserted that any citizen in rebellion against the state would be condemned to death. Another important aspect was an assertion of the temporary nature of these measures. The report argued that, “in ten months, we must return intact and without alteration to our successors, the rights which have been entrusted in us.” Once the crisis had passed, the report suggested, the Assembly should declare that, “the *patrie* is no longer in danger.”<sup>20</sup> These proposals gave a specific meaning to the vague concept of *la patrie en danger*. Above all, they emphasized that the Assembly was ultimately responsible for dealing with the emergency, and that the concentration of power in its hands should thus be increased.

The Assembly did not immediately pass the Commission’s proposal for a declaration of *la patrie en danger*. Rather, as they discussed the military situation over the next few weeks, the representatives continued to reflect on the meaning of such a declaration. Many deputies offered their own definitions of *la patrie en danger*,

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<sup>19</sup> Jean Debry, *Rapport et projet de décret sur les moyens à prendre dans le cas du danger de la patrie, fait au nom de la Commission Extraordinaire des Douze*, par Jean Debry (Paris: Imprimerie Nationale, 1792), pp. 2-7.

<sup>20</sup> *Ibid*, pp. 8-14.

accompanied with specific measures that were to be passed with the declaration. The most important speeches in this debate came from the members of the faction known to history as the Girondins. These representatives had been the most outspoken proponents of the war. As reports of defeat filtered in from the front, they sought to define how the Assembly should respond, in the process reflecting on the nature of emergency measures. In a long address on July 6, the philosopher and scientist Antoine Condorcet discussed the issue, arguing that, since liberty and equality were fundamental goals of the Revolution, the Constitution would be “incomplete if it does not give the representatives of the nation sufficient authority to defend these rights.” Condorcet thus called for the authority of the Assembly over the ministers and over the generals to be increased.<sup>21</sup> These proposals followed the logic established by the Commission’s report, which held that strengthening the power of the assembly was the best means to ensure that the government could preserve the gains of the Revolution.

At the same time, Condorcet reflected on the role of the legislators in this process. Division in the Assembly, he warned the deputies, would undermine their measures, since “only our unity can give them an imposing force.” Condorcet suggested that the representatives did not have to “sacrifice our opinions and our sentiments,” but that they should “no longer trouble an activity and unity of conduct necessary for the public safety.”<sup>22</sup> Centralization of power was thus associated with absolute unity in the Assembly. At the end of his address, Condorcet proposed a message to the king, reminding Louis XVI that, “your name is mixed in with all the conspiracies which threaten liberty.” He argued that the king had failed to denounce these conspiracies, as required by his submission to the Constitution. “We have reminded you of the severe obligations to which the Constitution submits you...” Condorcet informed the king, “and you will spare us, without a doubt, the sadness of finding you disloyal.”<sup>23</sup> These warnings to both the king and to the individual representatives served the same purpose. The declaration of *la patrie en danger* could ensure the success of revolutionary

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<sup>21</sup> Condorcet, *Opinion de M. Condorcet sur les mesures générales propres à sauver la patrie des dangers imminens, dont elle est menacée* (Paris: Imprimerie Nationale, 1792), pp. 30-36.

<sup>22</sup> Ibid, p. 26.

<sup>23</sup> Ibid, pp. 37-42.

government, Condorcet argued, but it would also be necessary for the king and the representatives to fulfill their duties as individuals.

The Girondins' most prominent spokesman, Jacques-Pierre Brissot, presented another long speech on the issue of *la patrie en danger* on July 9. Brissot began by discussing the opposition the Revolution faced from both foreign armies and counter-revolutionaries in France, describing the situation as “a war to the death between royalty and liberty,” in which there could be no compromise. He called on the Assembly to enact “extraordinary measures,” warning that if they did not act soon “it will be too late to usefully proclaim *la patrie en danger*.”<sup>24</sup> In seeking to explain the causes of the crisis, Brissot focused on one source, the king and his ministers. After describing plots stretching back to the very beginning of the Revolution, Brissot warned the deputies that, “we must therefore regard the conduct of the executive power as an element in the war waged against us by the foreign powers.”<sup>25</sup> Brissot's discourse went even further than Condorcet in portraying Louis XVI as an enemy of the Revolution. Tackett has suggested the importance of the king's suspect behavior in shaping the actions of the revolutionary leaders during the early years of the Revolution.<sup>26</sup> Brissot's discourse shows how a belief in the counter-revolutionary intentions of the executive could lead to advocacy of extraordinary measures.

Specifically, Brissot emphasized a connection between the supposed bad faith of the king and his agents and the responsibilities of the representatives. Brissot stressed that “the Constitution can only work under a revolutionary king, or at least a revolutionary ministry.” Since, in his estimation, neither the king nor the ministries were “revolutionary”, it fell to the assembly to step in through an exceptional action such as a declaration of *la patrie en danger*. Brissot warned the deputies that, “any capitulation to the executive power is a crime.” Otherwise, he argued, the Assembly risked losing the trust of the people and committing “an offense in the eyes of the nation.”<sup>27</sup> Brissot's

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<sup>24</sup> Jacques-Pierre Brissot, *Discours de J.P. Brissot, depute du Departement de Paris, sur les causes des dangers de la Patrie, et sur les mesures a prendre* (Paris: Imprimerie Nationale, 1792), pp. 1-10.

<sup>25</sup> *Ibid.*, pp. 14-31.

<sup>26</sup> Tackett, *When the King Took Flight*

<sup>27</sup> Brissot, *Discours*, pp. 32-39.

proposal for the declaration of *la patrie en danger* called specifically for the Assembly to conduct an investigation of the executive, suggesting that the king was responsible for the situation.<sup>28</sup> Brissot's discourse on *la patrie en danger*, like that of Condorcet, directly linked the extraordinary measure to the issue of leadership, suggesting that the king's failure to be "revolutionary" forced the representatives to act.

Brissot's speech forced the Assembly to act on the proposal for declaring *la patrie en danger*. The matter was once again referred to the Extraordinary Commission, whose spokesman Marie-Jean Hérault de Séchelles delivered its report on July 11.<sup>29</sup> The report began by discussing the actions of the representatives, stressing that although they recognized the gravity of the situation, "the Assembly has given an example of the *sang-froid* which should always unite with the courage of a free people." The declaration was presented as a means by which the deputies could make known both the extent of the crisis and their determination to take the necessary measures. A simple statement from the representatives that *la patrie est en danger*, the report suggested, would have the effect of "an electric spark... alerting the citizens to their duties, putting the administrative bodies and municipalities in a state of surveillance, [and] the National Guards in a state of permanent activity."<sup>30</sup> This brief report avoided the detailed accusations against the executive cited by Brissot. Nonetheless, the Commission affirmed the central theme of the discussion, holding that the Assembly's position required it to declare *la patrie en danger* in order to mobilize the administration and direct the popular movement.

This report motivated the Assembly to finally draft a declaration of *la patrie en danger*, which was passed on the same day. Declaring emphatically that "*CITOYENS, LA PATRIE EST EN DANGER*," the proclamation called, in a single paragraph, for all citizens to mobilize. The movement, however, was to take place only under "the signal of the law" and through the leadership of local administrations and the ultimate direction

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<sup>28</sup> Ibid, pp. 49-51.

<sup>29</sup> For Hérault, see *Biographie*, vol. 24, pp. 270-278.

<sup>30</sup> Marie-Jean Hérault de Séchelles, *Rapport fait au nom de la commission extraordinaire ed des comités militaire et diplomatique, sur la declaration du danger de la Patrie, par M. Hérault, député du département du Paris* (Paris: Imprimerie Nationale, 1792).

of the Assembly.<sup>31</sup> The brevity of this document downplayed the long discourses that had been delivered on the subject in the Assembly, but the principle was the same. Although the specific charges against the king and the ministry were not mentioned, suspicion of the executive expressed in the proceeding days clearly played a role in the Assembly's decision to assert its authority with this dramatic declaration.

The Legislative Assembly maintained a degree of unity throughout these discussions. The extreme factionalism that would characterize its successor, the National Convention, was not evident in these debates. Nonetheless, this example illustrates how the decision to take emergency measures raised crucial issues of authority and leadership, which would play a crucial role in the factional struggle. When discussing the declaration of *la patrie en danger*, representatives were forced to consider the nature of the government they wished to create, seeking to define the effects of their actions on the nation as a whole. At the same time, deputies justified their own actions by describing "counter-revolutionary" actions of another group, in this case the king and the ministers.

### Opposition Platforms and Leadership Challenges

While the Assembly discussed the declaration of *la patrie en danger*, the Paris Jacobin club was also concerned with the military crisis. However, the issue was discussed in different terms in the club, which certain leaders were developing as a platform for opposition to the government. These left-wing Jacobins reversed the Assembly's definition of its decree, questioning the legislature's assertion of authority. The representatives had described their declaration as a means of rallying the populace under the direction of the government, especially the Assembly itself. Speakers in the club questioned whether the deputies were actually mobilizing the people or belatedly responding to a popular movement that had already taken place. Opposition leaders also questioned the commitment of the representatives to enacting the measures necessary to counter the danger and uncovering the alleged conspirators.

Many important members of the club were also deputies, and those closest to the Girondin group defended the Assembly's understanding of *la patrie en danger*. On July

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<sup>31</sup> France, Legislative Assembly, *Acte du Corps Legislatif* (Paris: Imprimerie Nationale, 1792), pp. 1-2.

2, Marie-David Lasource, a close associate of Brissot, announced that the Assembly had begun to discuss the declaration of *la patrie en danger*.<sup>32</sup> Lasource supported the declaration, stating that, “the most sure means of avoiding danger is to declare that it exists.” However, Lasource added that this measure alone was not enough, asserting that, “there are other measures that are very important to discuss.” He proposed that the Jacobins occupy themselves with the question “what are the additional measures to take once the Assembly has declared that *la patrie* is in danger?” Lasource encouraged the Jacobins to debate this measure, so that “each member [of the club] can bring to the National Assembly the mass of enlightenment which he derives from this discussion.”<sup>33</sup> The definition of *la patrie en danger* elaborated by the Assembly asserted that the declaration would invite local institutions to support its actions. Lasource’s proposal clearly sought to encourage the Jacobins to accept this role.

Many members of the club who were not also representatives or supporters of the Girondins, however, had a different view of the matter. On June 28, Francois Chabot, a left-wing member of the Assembly, delivered a speech on the national crisis to the Jacobins.<sup>34</sup> In contrast to the interpretation advanced by the deputies, Chabot denied the ability of the Assembly to handle the situation on its own. “In this fatal crisis,” he warned the Jacobins, “the National Assembly, garroted by the Constitution, cannot save you, because the king wants your loss.” Following the standard Jacobin view, Chabot asserted the primacy of the people. “The people alone, the only sovereign,” he asserted, “can act and make known its will.” Chabot proposed that the impetus for mobilization should come from the Jacobins, who should issue their own declaration of *la patrie en danger*.<sup>35</sup> This, apparently, would allow the Jacobins to take on the directing role that the Assembly had cast for itself. Like Brissot and others, Chabot’s view of *la patrie en danger* was shaped by conviction that the executive was working against the Revolution.

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<sup>32</sup> For Lasource, see *Biographie*, vol. 29, pp. 761-762.

<sup>33</sup> Alphonse Aulard, *La société des Jacobins: Recueil des documents pour l’histoire du club des Jacobins de Paris* (Paris: Librairie Jouaust, 1889-97), vol. 4, pp. 51-52.

<sup>34</sup> For Chabot, see *Biographie*, vol. 9, pp. 532-535.

<sup>35</sup> Aulard, *Jacobins*, vol. 4, pp. 62-63.

However, the proposals discussed in the Assembly viewed the declaration as a means of maintaining and reinforcing the authority of the government. Chabot's proposal, on the other hand, envisioned the Jacobins making use of *la patrie en danger* in an effort to support the will of the people where the Assembly was paralyzed.

The Jacobin with the most to say about the declaration of *la patrie en danger* was Maximilian Robespierre. Out of office since the end of the Constituent Assembly in October of 1791, Robespierre had cultivated the Jacobins as a political platform, and especially as a forum for his anti-war views in the early spring of 1792. On June 9, following Brissot's long speech to the Assembly on the subject, Robespierre explained his views on *la patrie en danger*. "If the *patrie* is in danger," he asked, "is it not because, in effect, the conspirators have always had the means to conspire against it, while the people, the patriots, have been constantly overwhelmed?" Robespierre asked this question rhetorically, but he might as well have been speaking directly to Brissot, who was at the time a member of the Jacobins and probably present at the meeting. Robespierre wondered why the deputies had so far done nothing to resolve the crisis that they were now proclaiming. "Why do you wish the people to rise up," he continued, "when, in a word, you can end the danger to the motherland at any time by striking down the one who is the cause of all these dangers?"<sup>36</sup> Here, Robespierre may have been referring to the king, or to General Lafayette, the commander of the National Guard whom he had repeatedly denounced. In either case, Robespierre was able to use the club as a means of challenging the leadership of the Assembly. Brissot's own conspiracy rhetoric played directly into the hands of his opponents outside the government.

Two days later, when the declaration of *la patrie en danger* was passed, Robespierre presented a long discussion of the subject to the Jacobins. "The moment has arrived," he began, "to set aside all personal interests and occupy ourselves only with the public interest... a solemn decree has made this an obligation." In spite of this appeal to conciliation, Robespierre was readily prepared to continue his attack on Brissot and the government. "This formula [*la patrie en danger*] shows us no new facts," he asserted. "Before this declaration," he informed the Jacobins, "we knew that a conspiring general [Lafayette] stood at the head of our armies; we knew that a corrupted court was

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<sup>36</sup> Ibid, p. 85.

machinating without rest against our liberty and our constitution.” Robespierre agreed that the declaration of *la patrie en danger* was an “exhortation to all the nation to deploy all its energy.” However, he questioned the commitment of the government to achieving this goal. “If, in one month,” he warned, “the motherland is still in danger, if the state of things has not entirely changed, it will not be necessary to say that the nation is in danger, it will be necessary to say that the nation is lost.”<sup>37</sup> Robespierre thus used the Assembly’s own admission of the crisis to question its leadership. He also implied that, if the Assembly was unable to take the appropriate measures to resolve the situation, a new solution would have to be found which bypassed the government.

Other members supported this view, and suggested that the people were already taking the necessary steps without encouragement from the Assembly. On July 11, the day that the decree was passed, one Jacobin noted that, “the citizens of the departments have not waited for this declaration to fly to the aid of the capitol.” To the applause of the club, the anonymous Jacobin announced that the citizens of his own, unnamed, department had “learned at midnight that the capitol was in danger: at five in the morning they were in route, and now they are here.”<sup>38</sup> Whether this was actually the case or just an example of patriotic grandstanding, it illustrates a view of *la patrie en danger* different from that expressed by the leaders of the Assembly. In this view, the Assembly’s declaration was less a stimulant to popular action than a belated recognition of a situation the people were already acting to correct. Opposition discourse such as this in the Jacobins challenged the Assembly’s interpretation of revolutionary strategy. The representatives described the declaration of *la patrie en danger* as a measure to stimulate the popular movement under their guidance. Left-wing Jacobins such as Robespierre, on the other hand, used the club as a means of challenging the government’s authority. However, as these leaders increased their influence on the government in the following years, the role of the club would begin to change.

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<sup>37</sup> Ibid, p. 89-91.

<sup>38</sup> Ibid, p. 87.

## Appeals to the People and Revolutionary Action

Members of the Assembly and the Jacobin club reflected on what the declaration of *la patrie en danger* meant in terms of the relationship between the people and their leaders. Newspaper propaganda served as a direct link between the masses and individuals who sought to direct their actions. In discussing *la patrie en danger*, political journalists turned the abstract discussions of revolutionary leadership worked out by deputies and Jacobins into specific appeals for action. The rhetorical device of *la patrie en danger* was perfect in this regard, since the vague declaration of “danger” could be used to support any number of specific appeals. Thus, both supporters and opponents of the government used the press to advocate their own solutions to the crisis.

Unsurprisingly, Brissot and his allies used their influence in the press to support a vision of *la patrie en danger* as a means of weakening the power of the monarchy, as well as discrediting rivals to the left. Brissot was the editor of a prominent newspaper, *Le Patriot Francais*.<sup>39</sup> When the declaration passed in the Assembly, Brissot issued a vague warning in *Le Patriot Francais*, about “enemies within and without.” More specifically, he pointed to “moderates” who were planning, he claimed, to use the invasion as an opportunity to “destroy, or at least to modify our constitution.” Following Brissot’s long denunciation of the executive in the Assembly, his rhetoric in *Le Patriot Francais* was clearly aimed at preventing the court and its allies from taking advantage of the crisis. Brissot also sought to discredit “public papers” which, he argued, “are already too disposed to a spirit of insurrection.”<sup>40</sup> This was a clear reference to his enemies on the left, such as Robespierre and especially Jean-Paul Marat, whose newspaper *L’Ami du Peuple* was a rallying point for the radicals.<sup>41</sup> Brissot sought to carefully define the meaning of *la patrie en danger*, so that the sense of crisis could not be turned into an opportunity for his opponents on either side of the political spectrum.

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<sup>39</sup> On Brissot, see Suzanne D’Hart *Brissot: La Gironde au Pouvoir* (Paris: R. Laffont, 1986).

<sup>40</sup> *Le Patriote Francais*, July 12, 1792, p. 1.

<sup>41</sup> On Marat, see Olivier Coquard, *Jean-Paul Marat* (France: Fayard, 1993); Louis Reichenthal Gottschalk, *Marat: A Study in Radicalism*, (Chicago: University of Chicago Press 1967); Gérard Walter, *Marat* (Paris: A. Michel, 1960).

Brissot declared in his newspaper that the “the true sense” of *la patrie en danger* was that “our constitution and liberty are under attack; this fight concerns all members of the great family, each one must thus prepare for combat.” He urged “every citizen to be ready to march at the first signal given by the motherland.”<sup>42</sup> This proposal for action coincided closely with the Assembly’s understanding of the declaration of *la patrie en danger*. Discounting all except the Assembly as a legitimate rallying point, Brissot encouraged the people to act, but only under the direction of the government. His plan of action specifically excluded the discredited executive and the radicals from a leadership position. Brissot’s newspaper thus served as a means of translating the Assembly’s declaration of *la patrie en danger* into action.

For those on the left who were opposed to the government, newspapers presented an effective means of encouraging revolutionary action, although they also entailed significant risk. Like Robespierre, Marat turned the rhetoric of *la patrie en danger* against the government. Using his newspaper, Marat elaborated a detailed plan of action which he clearly believed could be achieved. The July 18 edition of *l’Ami du peuple* offered his “advice to the  *fédérés*,” the patriotic volunteers who were massing in Paris in response to the government’s call to arms. This military force represented a powerful potential ally for the revolutionary leaders, and Marat clearly tried to win their support this with an openly seditious call on the newly recruited soldiers to turn against the government. “Six weeks passed before [the Assembly] declared *la patrie en danger*,” he noted. Marat claimed that the Assembly’s goal had been “to give time to the Austrians, to the Prussians, and to the royalists to arrive.” A direct accusation of treason such as this was similar to those used by Brissot and his supporters in framing *la patrie en danger* during the legislative debates. However, Marat attacked not just the increasingly isolated monarchy, but the Assembly as well.

Marat interpreted *la patrie en danger* as a declaration by the Assembly to the massing French armies that “we have waited for you to avert the dangers which we face.” Marat believed that the volunteers could indeed save *la patrie*. In his plan, however, France needed to be saved from the “Constitution that keeps you in chains” and for which the soldiers were “sent to be slaughtered at the frontiers.” “Never,” Marat declared,

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<sup>42</sup>*La Patriote Francois*, July 12, 1792.

“have representatives betrayed the cause of the people with such perfidy, never have legislators prostituted themselves with such baseness to the orders of a despot.” His political solution was not to increase the powers of the Assembly but to choose a “tribune,” his term for a dictator with maximum powers to “do justice to the enemies who have sworn to destroy [*la patrie*].” Marat called on the volunteers in Paris to carry out his plan to overthrow the government. “It is on you, *fédérés* from the departments, that the hope of the people from the capitol rests,” he concluded.<sup>43</sup> He repeated this call in the next issue of his paper. Unconnected in any way to the national government, Marat turned its own call for volunteers against it with his newspaper, elaborating a plan for a dictatorship that was vague on long term goals but very specific on its immediate aim of overthrowing the government and punishing the “traitors.”

Marat had used his newspaper to call for a specific plan of action involving military insurrection and dictatorship, a stance that could easily be interpreted as treason by the legislature. Anticipating persecution by the government, Marat announced with his next issue that he was forced to “let the pen fall from my hand,” and go into hiding.<sup>44</sup> Marat had risked his main source of influence, his newspaper, with his appeals to the *fédérés*. He had been forced into hiding several times in the past, and it seems to have been a risk he was willing to take. After only a few weeks of silence, he was able to resume publication of his paper on August 7 with yet another seditious appeal to the *fédérés*.<sup>45</sup> Only three days later, the monarchy was overthrown by in an insurrection which involved a significant number of *fédérés*. Marat’s direct role in this insurrection is hard to trace, although he was one of the members of a secret revolutionary committee that played some part in organizing the insurrection.<sup>46</sup> What is clear is his willingness to use his newspaper to call for the overthrow of the government in spite of the potential dangers, which he was prepared to face.

As a rejection of traditional views of the military as the domain of the nobility, the declaration of *la patrie en danger* had important political consequences. Different leaders

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<sup>43</sup> *L’Ami du peuple*, July 18, 1792, pp. 4-5.

<sup>44</sup> *Ibid*, July 22, 1792, p. 1.

<sup>45</sup> *Ibid*, August 7, 1792

<sup>46</sup> Jones, *Longman Companion*, 17

used the declaration to advance their own political agendas. Brissot, Condorcet and their supporters in the Assembly characterized the measure as a means of mobilizing the population to support the war effort while at the same time asserting their own authority to the detriment of both their enemies on the left and the supporters of the monarchy. Leftists in the Jacobins and the popular press challenged this view, elaborating plans of revolutionary action independent of the government's control. The common theme that unites the discourse in these institutions is the understanding of the declaration of *la patrie en danger* as a specific response to the military crisis. The democratization of the war effort proclaimed in the declaration afforded revolutionary leaders the opportunity to interpret the declaration in accord with their own political programs. This process illustrates how the form of emergency measures was shaped by immediate circumstances; in this case the military reverses. This is a pattern that would continue as the revolutionary government came to rely increasingly on extraordinary laws to maintain its authority.

## CHAPTER TWO: THE REVOLUTIONARY TRIBUNAL

The Revolutionary Tribunal was an institution of central importance in the Terror. Following its creation by the National Convention on March 10 of 1793, the Tribunal sent a number of prominent political leaders to the guillotine, alongside thousands of obscure and forgotten individuals. Without the Tribunal, the Terror could never have functioned to the extent that it did. This political court brought a concrete form to the idea of revolutionary justice, seeking to make an example of supposed enemies of the Revolution with dramatic public trials. In the historical literature, the Tribunal has been portrayed as a tool of the radical group in the Convention, known as the Montagnards. In 1815, the royalist Pierre Roussel described the Tribunal as a product of the “coldly homicidal genius” of the Montagnard leaders. During the Second Empire Émile Campardan argued that the Tribunal “responded plainly to the views of the Mountain.” In 1899, Henri Wallon saw the Tribunal as part of Montagnard program in which “all writing, all speech, all thought contrary to the Revolution, a desire, a wish, a simple regret, became a capitol crime.”<sup>47</sup> The interpretation of the Tribunal as part of a Montagnard plot to establish dictatorship, however, is difficult to maintain. The Montagnards had not yet achieved total political control by March of 1793, and their rivals the Girondins played an active part in the creation of the Tribunal. Furthermore, the Tribunal was shaped by specific circumstances, namely a series of public disorders in Paris during February and March of 1793.

The political impact of riots and disorder is clearly an important issue in studies of the French Revolution. In his study of the “revolutionary crowd,” George Rudé addressed the question in the classic fashion of the Marxist school. “The Revolution was only able to advance...” he argues, “because the *sans-culottes* [who composed the crowds]...were able to assimilate and identify with the new political ideas promoted by

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<sup>47</sup> Pierre Joseph Alexis Roussel, *Histoire secrète du Tribunal révolutionnaire, contenant des détails curieux sur sa formation, sur sa marche, sur le gouvernement révolutionnaire*, vol. 1 (Paris: Lerouge, 1815), p. 135; Émile Campardan, *Histoire du Tribunal révolutionnaire de Paris, 17 mars 1793-31 mai 1795 (12 prairial an III) d'après les documents originaux conservés aux archives de l'empire*, vol. 1 (Paris: Poulet-Malassis, 1862), p. 235; Henri Alexandre Wallon, *Le Tribunal révolutionnaire, 10 mars 1793-31 mai 1795*, vol. 1 (Paris: E. Plon, Nourrit et cie, 1899), p. i.

the liberal aristocracy and the *bourgeoisie*.” In a more revisionist vein, Simon Schama has stressed the importance of popular violence as a driving force in the Revolution from the start. “The very beginnings of the Revolution in 1789,” he contends, “had been not just marked but actually empowered by precisely these acts of spontaneous retribution and indiscriminate street murders.”<sup>48</sup> An examination of the role of the Parisian riots of early 1793 in the creation of the Revolutionary Tribunal confirms the importance of such disorders in the political development of the Terror. In the creation of the Tribunal, spontaneous disorders clearly played a central role.

The reaction of revolutionary leaders to the February and March riots took several forms. In the press, the riots provoked an outbreak of conspiracy rhetoric. This rhetoric took for granted a close relationship between popular disorders and political leadership. In the Jacobin club, however, such an interpretation was explicitly renounced. For the most part, the Jacobins denied claims that they had provoked the riots and refused to take an active role in the disorders. In the Convention, the riots forced the legislators to seriously question their role in directing the popular movement. In the midst of this discussion, the deputies found the creation of an extraordinary political court to be a useful means of asserting their authority. This shows that the Revolutionary Tribunal was a product of the chaotic circumstances surrounding the riots of early 1793.

### Factional Rhetoric and Popular Disorder

On February 25, large crowds pillaged several shops in Paris. Several weeks later, on March 10, the printing presses of several journalists were attacked and destroyed. The specific causes of these disorders are difficult to trace. Historians have treated the riots as an indication of the increasing radicalization of the Parisian population.<sup>49</sup> These interpretations have focused on the advantages this trend offered to the radical Montagnards. In fact, the riots had a profound impact on both factions in the

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<sup>48</sup> Rudé, *The Crowd in the French Revolution*, p. 232; Simon Schama, *Citizens: a Chronicle of the French Revolution* (New York: Vintage Books, 1989) p. 623.

<sup>49</sup> Paolo Viola “Sur le mouvement populaire parisien de février-mars 1793,” *Annales Historiques de la Révolution Française* vol. 43, no. 4, (1973), pp. 503-518; A.-M. Boursier “L’émue parisienne de 10 mars 1793,” *Annales Historiques de la Révolution Française* vol. 42, no. 2 (1972), pp. 204-230.

Convention. Amidst the controversy over the riots, the Convention created one of the most important institutions of the Terror, the Revolutionary Tribunal. The representatives closely linked their discussions to the popular disorders. This again raised the issues of leadership and authority in the context of emergency measures. The deputies sought to define their responsibilities and the effects of their actions on the wider public. At the time, the Convention was becoming increasingly polarized between Girondins and Montagnards. Nonetheless, the concern over the riots encouraged the members of the different factions to work together in creating the Tribunal. This measure was specifically justified in relation to the disorders. Representatives in the Legislative Assembly had found accusations against the monarchy to be a convenient explanation for the need to declare *la patrie en danger*. The Convention, now claiming sole authority after the fall of the monarchy, still needed to explain the causes of the riots that had motivated the creation of the Tribunal. Several important discussions during this period illustrate how the deputies explicitly connected their disagreements to the popular disturbances. This discourse was shaped by perceived relationship between the actions of politicians and those of the general populace.

On March 8, a proposal concerning the role of political journalism forced the Convention to consider this issue. Joseph Duhem, a deputy from the left, opened the discussion. Duhem claimed that, although the triumph of the Revolution was close, “there still exist mudslingers [*homes de boue*], these vile and detestable men who...are determined to destroy, to pulverize public opinion.” Duhem made it clear that he was referring to “publishers” and “authors of journals” and called for “all journalists to be expelled from this chamber.” Jean-Baptiste Boyer-Fonfrède, an associate of the Girondins, opposed this idea, characterizing it as an “inquisition” and citing the liberty of the press.<sup>50</sup> However, Duhem’s proposal found support from both sides of the political divide. From the right, accusations were made against Marat and Robespierre, while deputies from the left focused on Brissot and Gorsas.<sup>51</sup> Both sides were united in viewing the writings of their opponents as the cause of the recent disorders.

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<sup>50</sup> For Duhem, see *Biographie* vol. 15, pp. 108-9; for Boyer-Fonfrède, see vol.18, pp. 71-73

<sup>51</sup> *Moniteur*, March 10, 1793, p. 315.

The discussion on the effects of political journalism gained more momentum the following day, when the Convention heard the news of the March riots and the attacks on the printing presses owned by several deputies, including the prominent Girondin Jean-Antoine Gorsas. Lacroix, a Montagnard, expressed dismay that representatives sent to the Convention “to make good laws,” instead “amuse themselves in publishing newspapers.” Referring specifically to Gorsas, he described “two characters...that of representative of the nation, which the people honor, and that of journalist, which the people despise.” Lacroix proposed that members of the Convention should be forced “to choose between the occupation of publisher and that of representative of the people.” Almost unanimously, the Convention agreed to this proposal and turned it into a decree.<sup>52</sup> In fact, this decree had virtually no impact, and was repealed less than a month later.<sup>53</sup> Nonetheless, these discussions illustrate an important aspect of the Convention’s understanding of leadership. Political disagreements within the Convention, transferred into print by journalist-deputies, were viewed as a cause of popular disturbances. It mattered little that the actual decree was linked specifically to Gorsas, since during the discussion both sides could point to members of the opposing faction as examples supporting this explanation. Political divisions in the Convention thus became a convincing explanation for the disturbances that had motivated the creation of the Tribunal.

This interpretation was further elaborated as the deputies continued to discuss the riots. The minister of the interior, Garat, presented a report on the incidents to the Convention. He contended that “twenty or thirty men” had planned the events. Garat told the representatives that, “these men would have been rejected with horror by the population if the dissensions that have been manifested in the Convention did not furnish them with a pretext.” This point was further elaborated in a long discourse on the “conspiracy” delivered on March 13 by the Girondin Pierre Victurnien Vergniaud. It was during this speech that Vergniaud coined a famous analogy, “thus, citizens, it is permitted to fear that the Revolution, like Saturn, devouring successively all its children, will

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<sup>52</sup> Ibid, March 11, 1793, p.322.

<sup>53</sup> Gough, *Newspaper Press*, 94

accomplish in the end only despotism and all the calamities which accompany it.” To explain this process, Vergniaud contended that, “this fatal aberration of the public spirit has been indirectly favored by the actions of the Convention.” Vergniaud described how “the fire of passions is ignited with furor in the heart of this Assembly, and the aristocracy contrived its infernal project to destroy the Convention by its own actions [*par elle-même*].”<sup>54</sup> The view expressed by these explanations thus used the political struggle between the factions to account for the riots in Paris.

The radicals used similar explanations. When a proposal was made to print Vergniaud’s speech, Marat rose to oppose the suggestion. Marat admitted that the Convention had been divided into two parts, “one which does not want to save the fatherland, and the other which does not know how to save it.” Marat demanded that the polarization should be brought to an end with the capitulation of the Girondins. This was, he contended “the only action that can save the Republic.” Printing Vergniaud’s speech, he argued would only “spread to the departments our alarms and our divisions.”<sup>55</sup> In the rhetoric of both sides concerning the riots of February and March, what is evident is the belief that disagreement in the Convention produced disorder in the streets. This explanation was closely connected to the creation of the Revolutionary Tribunal, linked by the common issue of revolutionary leadership. The deputies were deeply concerned about the effects their disagreements might have on the general public. This concern was primarily influenced by the riots in Paris.

The debate on the Tribunal opened on March 9, 1793 following an appeal to the Convention issued by the Parisian municipal government. The source of this appeal was highly important for the representatives. From the beginning, the discussion of the Tribunal in the Convention was a reaction to pressure from Paris. Certainly, the recent disorders made it all the more urgent for the Convention to take steps that might help calm the situation. Nonetheless, the Girondin Lanjuinais immediately opposed the proposal. When his opposition provoked immediate interruptions, he offered an “amendment.” “If you wish to diminish the horror and the fear that such a decree will inspire among good citizens...” he suggested, “I demand that it should only be in the

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<sup>54</sup> *Moniteur*, March 16, 1793, pp. 340-41.

<sup>55</sup> *Ibid*, March 11, 1793, p. 321.

department of Paris that this calamity takes effect.”<sup>56</sup> Unsurprisingly, this “amendment” drew sharp criticism from the Montagnards, who depended on radicals in Paris for much of their support. However, it also immediately provoked a debate, starting the process of defining the powers and structure of the Tribunal.

At first, the debate remained highly polemical. Speaking in opposition, the Girondin Vergniaud warned the Montagnards that “since you have proposed to establish an inquisition a thousand times worse than that of Venice, we will die before we consent!” “Only this measure can save the people,” responded the Montagnard André Amar, “otherwise there must be an insurgency and its enemies [clearly referring to the Girondins] must fall.” Eventually, however, more moderate voices began to shape the debate. The moderate Montagnard Joseph Cambon admitted that he found “nothing too harsh for the counter revolutionaries,” but expressed his concern that “a good citizen might have his throat cut.” Another moderate, Bertrand Barrère, likened the proposal to “the most frightening of despots,” but suggested it would be improved by the addition of jurors.<sup>57</sup> This proposal provoked more debate on the number of jurors, how they would be appointed, and how they would vote. In the discussion over the form of the Tribunal, supporters of both sides contributed proposals. Eventually, an acceptable compromise was established. Although tension and disagreement were evident between the two groups, the polarization had clearly not reached a level intense enough to block the possibility of joint action.

In spite of the growing agreement, it seemed as if the Convention would not be able to establish the Tribunal before it adjourned for the night on March 10. Just as the session was about to end, however, the prominent Montagnard orator Georges Danton mounted the tribune to make a final appeal for prompt action.<sup>58</sup> This speech became the most memorable of the debate.

I sense to what point it is important to take judiciary measures to punish the counter-revolutionaries; because it is for them that this tribunal is necessary; it is for them that this tribunal must be substituted for the supreme tribunal of popular vengeance... be terrible so the people won't have to; organize a tribunal, not good, because that is

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<sup>56</sup> *Moniteur* March 13, 1793, p. 328.

<sup>57</sup> *Ibid*, p. 328-29. For Cambon, see *Biographie*, vol. 8, 304-308. For Barrère, see vol. 4, p. 576.

<sup>58</sup> For Danton, see Norman Hampson *Danton* (London: Duckworth, 1978).

impossible, but the least bad that it can be in order for the blade of the law to fall on the heads of all its enemies

Danton sought to establish a sense of urgency in the establishment of the Tribunal, stressing that the sooner the decree was passed the sooner the Tribunal would begin to set the basis for military victory. “Tonight organization of the Tribunal,” he declared, “tomorrow movement of the military...all of France will rise to arms, march against the enemy.”<sup>59</sup> Danton’s appeal had the desired effect of motivating the deputies to quickly approve the creation of the Tribunal. A final version of the decree was presented to the Convention by the Girondin Maximin Isnard, and adopted by the Convention. This decree was highly significant for the revolutionary government. The concept of counter-revolutionary activity had been a staple of the revolutionary discourse from the very beginning. It was not until the creation of the Tribunal, though, that specific actions were designated as counter-revolutionary, to be punished by a special institution. The decree also put the Convention firmly in control of choosing the cases to be brought before the Tribunal.<sup>60</sup> The creation of the Tribunal was thus an important assertion by the Convention of its authority.

In the discussions over the Tribunal, an ability to produce compromise solutions is evident. It is apparent that the increasing polarization between Montagnards and Girondins and the unified leadership role envisioned in the decree were by no means mutually exclusive. In fact, an important common theme united these two aspects of the political process. Both the rhetoric of factionalism and the justification of the Tribunal as an emergency measure were shaped by a discourse on the nature of revolutionary leadership, especially in relation to the recent public disorder. Danton’s famous appeal to the representatives, *soyons terribles pour dispenser le peuple de l’être*, which provided the final motivation for the passage of the decree, strongly emphasized this issue. The deputies clearly remembered the September massacres of the previous year, in which Parisian radicals had taken justice into their own hands by massacring thousands of

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<sup>59</sup> *Moniteur*, March 13, p. 330.

<sup>60</sup> *Décret de la Convention Nationale, pour la formation d’un Tribunal criminel extraordinaire* ([Paris]: Imprimerie Nationale, 1793), p 1-2.

prisoners. This provided a sobering example of what could happen if the Convention delayed in punishing supposed enemies of the Revolution and lost control over the popular movement.<sup>61</sup> The recent riots certainly added to this concern. In declaring *la patrie en danger*, the Legislative Assembly had expected their action to produce a popular mobilization. The creation of the Revolutionary Tribunal also invoked the relationship between the political leaders in the government and the population, although it was viewed as a means of moderating and controlling popular disorders.

### Disorder, Conspiracy and Leadership in the Press

Upon hearing news of the February riots, the members of the National Convention passed a decree authorizing the municipality of Paris to “take the necessary measures for the most prompt reestablishment of order,” and began to discuss bringing those responsible to justice. At first, the deputies expressed only vague ideas about whom they should hold responsible for the riot. A spokesman for the Convention’s Committee of General Security linked the riots to an elusive “final effort of the aristocracy...to excite trouble in Paris.”<sup>62</sup> This changed when the Girondin representative Jean-Baptiste Salles mounted the tribune with a proposal. If the Convention wanted to punish those responsible, he suggested, why not start with one who was present at that very moment? Salles then began reading from the issue of Marat’s newspaper published on the day of the riots. “In every nation where the rights of the people are not vain titles, consigned to a simple declaration,” Salles quoted, “the pillage of several stores, and the hanging of the hoarders at their doors, would bring to a quick end the plots which reduce five million men to despair and which kill thousands in misery.”<sup>63</sup> Salles contended that this passage proved Marat’s support for such riots, and

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<sup>61</sup> For the massacres, see George Lenotre *Les massacres de septembre* (Paris: Perrin et Cie., 1907); Gérard Walter; *Les massacres de septembre; étude critique*, (Paris: Payot, 1932) ; Pierre Caron *Les massacres de septembre* (Paris: En vente à la Maison du livre français, 1935) ; Jacques Herissay *Les journées de septembre, 1792* (Paris: Bonne presse [1945]) .

<sup>62</sup> *Moniteur*, February 27, 1793, p. 270.

<sup>63</sup> *Ibid*, February 28, 1793, p. 273, quoting from *Journal de la République française*, February 25, 1793, p. 2. For Salles, see *Biographie*, vol. 43, p. 188.

went even further by accusing Marat of having a hand in directing the disorders. He proposed that a decree of accusation be brought against Marat.

This proposal provoked a heated debate in the Convention. Marat immediately rose to defend himself. “A criminal faction...” he declared, has denounced me at this tribune, and demanded a decree of accusation against me, for having made use of the liberty of opinions.” The Convention divided along factional lines on this issue. The Montagnards supported Marat, citing freedom of the press and opinion to defend their position. The Girondins sought to counter this argument by linking Marat’s paper to the disturbances. “I defy any logician,” exclaimed the Girondin Jean-Louis Carra, “to prove that, from this passage, one should not conclude that...Marat has provoked pillage.” Another Girondin, Boyer-Fonfrede, was more direct, demanding that the Convention issue a proclamation “that yesterday, *Marat preached pillage*, and that yesterday, *there was pillage*.”<sup>64</sup> In the end, despite the intense rhetoric employed by both sides, the matter was dropped. Nonetheless, the debate raised important issues relating to the nature of revolutionary leadership. Opponents of Marat contended that his writings were responsible for the riot. Their arguments implied that such disorders could not be considered spontaneous movements, but were inspired by the agitation of prominent political leaders, and perhaps even secretly directed by these leaders.

In his newspaper, Marat printed a more detailed refutation of the Girondin charges than he was able to express during the confusion at the Convention. Marat denied that he had had specific results in mind when he wrote the controversial lines, claiming merely that “I took up the pen to explain the best means to bring to an end the conspiracies.” The real cause of the disorders, he asserted, was a Girondin plot to discredit him. Incredibly, he claimed that the Girondin leaders had, after reading his paper, “hastened to send envoys among the women lined up in front of the boutiques and bakeries, to push them to remove the soap, candles and sugar at a slashed price,” thus discrediting his statements. To add to the lurid description of the plot, he asserted that it had been hatched “in the bedroom of the Roland woman” [the wife of the minister of the

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<sup>64</sup> Ibid, February 28, 1793, p. 274, emphasis in original. For Carra, see *Biographie*, vol. 8, 845-846

interior].<sup>65</sup> That such a plot could be brought to fruition so quickly and effectively seems hard to believe, even in the charged atmosphere of the time. Certainly, this was a convenient means for Marat to defend himself against the charges. Convenient as it was, though, Marat's defense significantly shared the same assumptions about the nature of popular disturbances as the accusations leveled against him. Once again, the possibility that the disturbances were not spontaneous was not considered. Both arguments were merely two sides to the same brand of conspiracy rhetoric.

During the second disturbance, on March 9, a mob attacked the printing presses of several Girondin journalists, including the deputy Antoine-Jean Gorsas, editor of the newspaper *Le Courrier des Départements*.<sup>66</sup> According to an account of the event read that evening at the National Convention, "a horde of two hundred men, armed with sabers and pistols," had attacked Gorsas' home, forcing him to escape "pistol in hand." The mob had then destroyed his printing equipment.<sup>67</sup> Following the attack on his presses, Gorsas was forced to stop printing until March 19. He devoted a significant part of the next three issues to "an exact account of the conspiracy." This conspiracy, he claimed, had been "written in letters of blood in the incendiary motions which have resounded in all the tribunes, in all the groups of Paris for several months."<sup>68</sup> Like Marat, Gorsas saw the popular disturbances as the result of a shadowy plot, although he invoked this plot not in self-defense but as an accusation against those he believed responsible for the attack against him.

Gorsas argued that the roots of the plot could be traced back at least as far as the disturbances of February 25, which he called the "precursors to the grand plot." Although the events of February had exposed the plot to the Convention, he argued, certain deputies had used their positions to prevent the legislature from taking action. "What good would be served by the wisest measures," he argued, "while the national representation has been blinded, in its own breast and by its own members." As a result of the disorders in February, Gorsas asserted, "the enemies of the public good were

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<sup>65</sup> *Journal de la République française*, February 28, 1793, p. 1-5.

<sup>66</sup> *Biographie* vol. 21, pp. 305-308.

<sup>67</sup> *Moniteur*, March 11, 1793, p.277.

<sup>68</sup> *Courrier des départements*, March 19, 1793, p. 145.

agitated more than ever.” The radical officials in Paris, he claimed, “were prepared for the insurrection, designated the heads to slaughter, and spread throughout the citizens the ferment of hatred and vengeance.” At the same time, “the fire concentrated at a central point...all the sections and all the popular clubs [radical assemblies in Paris] received the electric shock, and communicated it to all those who surrounded them.”<sup>69</sup> In this interpretation, the riot was planned and directed by politicians, radicals in the Paris government as well as members of the Convention. Supposedly, they exercised leadership of the movement through both agitation and direct manipulation.

In the next issue, Gorsas provided even more detail about the plot hatched, he claimed, “at the Jacobins, which was the central point at which all the fuses of the conspiracy were to be combined.” In fact, he argued, the attack on his newspaper had been originally intended as part of a much larger plot that was to have involved “four or five hundred rascals circulating in Paris.” However, Gorsas claimed, a vague warning he had issued in the *Courrier* the day before had left the leaders of the conspiracy “with little doubt that [their] crimes were known,” and they had been forced to send their “assassins to slit my throat,” and destroy his presses along with those of several other journalists.<sup>70</sup> This action, Gorsas claimed, had discredited the plotters in the eyes of the majority of Parisians, “who blush at such atrocities,” and forced them to delay their plans for another date.<sup>71</sup> Thus Gorsas, like Marat, used his newspaper to describe the riot in terms of a conspiracy. In addition, his description of conspiracies among radical deputies and their response to his efforts to expose their plots linked the disturbances to the factional rhetoric in the Convention.

With each succeeding issue of his paper, Gorsas added more details to the conspiracy. In the end, the attack on his presses became part of a major plot hatched by unnamed radical politicians. This plot, he claimed, had only been temporarily thwarted. In describing these riots, Marat and Gorsas both denied that they were spontaneous movements, linking them to the political situation in the Convention through allegations of plot and conspiracy. This interpretation of the nature of public disorder was a useful

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<sup>69</sup> Ibid, March 19, 1793, p. 146.

<sup>70</sup> Ibid, March 20, 1793, p. 162.

<sup>71</sup> Ibid, March 21, 1793, p. 182.

means for politicians to discredit their enemies and to explain events. The press offered a medium through which these explanations could be circulated among the public, at the same time allowing political actors to assume the position of the campaigning journalist, enhancing their own leadership role thanks to their exposure of the plots. This discourse played into and enhanced the representatives' growing tendency to characterize politics in terms of factionalism.

### The Jacobins and Conspiracy

In his descriptions of the attack on his presses, Gorsas portrayed the Jacobin club as a center of the plot, directing the actions of the rioters. By this time, Gorsas, Brissot and other moderates had been expelled from the Jacobins, while the influence of radical leaders such as Robespierre had grown. To the excluded politicians, the influence of the Jacobins seemed increasingly pernicious as their rivals increased their authority. This resulted in a tendency to portray the club as a conspiratorial center, which radical political leaders could use as a means of organizing riots and other plots. This rhetoric linked the club to the factional struggle in the Convention, and the term Jacobin became increasingly synonymous with the radical Montagnard faction among the representatives. However, the actual debates of the club over this period reveal a high level of equivocation and disagreement.

Some members of the Jacobins envisioned the club taking on a leadership role similar to the perception advanced by its opponents. Charles Desfieux, a member of the club's correspondence committee, frequently advanced proposals of this nature. On February 27, shortly after the first disorders, Desfieux declared to the club that, "the majority of the affiliated societies demand the recall of the disloyal deputies [the Girondins]." Turning this common argument into a call for action, Desfieux argued that, "it is necessary to set as the order of the day...the means of recall and the punishment that must be inflicted on them [the Girondin deputies]."<sup>72</sup> When news arrived on March 6 of a French victory in Belgium, Desfieux announced that, "it is necessary to profit from

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<sup>72</sup> Aulaurd, *Jacobins* v. 4, p. 46.

this news to make good laws, to establish a Revolutionary Tribunal.”<sup>73</sup> Such a proposal reversed the traditional belief that military defeats encouraged repressive measures. When news arrived three days later that the Convention was considering the creation of a Tribunal, Desfieux went one step further, demanding that the ministers be put under arrest. With proposals such as these, Desfieux urged the club to take a more or less direct role in implementing repressive measures, as opposed to simply discussing such actions. This position envisioned the club as an organizational center for the radical movement, an interpretation not far removed from the conspiracy rhetoric of its enemies. A few members of the Jacobins shared Desfieux’s vision to some extent. Marat supported an active role for the club with his standard violent rhetoric. On one occasion, he declared, “No, we will not die; we will bring death to our enemies, we will annihilate them.”<sup>74</sup> However, he spoke at the club only rarely and seems to have had little influence there.

Most members of the club were content to simply discuss events, and some actively opposed suggestions to the contrary. In fact, the main advocate of this position was actually Robespierre, probably the most influential and certainly the most well known Jacobin. Robespierre opposed Desfieux’s February proposal to recall the moderate deputies, arguing that the result would be to replace the “known intriguers,” with those “still covered in the mask of patriotism.” Instead he proposed merely a “civic censure” of the Girondins. Two days before, in the midst of the initial disorders, Robespierre had urged caution. He argued that by engaging in such actions, the people “only listens to its own indignation against the rich, and lets itself be entangled in false measures by those who abuse its confidence.” In spite of several long discourses, against “intriguers,” Robespierre’s most substantial proposal for action was a circular for distribution to the affiliated societies. The subject of this circular was “the conspiracy hatched, since August 10 [1792] against public opinion.”<sup>75</sup> This proposal was clearly directed against moderates. However, it focused on events that had taken place several months prior, and did not propose a specific plan of action. Such statements do not mean

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<sup>73</sup> Ibid, p. 67.

<sup>74</sup> Ibid, pp. 79, 89.

<sup>75</sup> Ibid, pp. 44-46, 68.

that Robespierre was in favor of compromise with the moderates. What they do indicate is that he did not believe that the club should actively try to influence the course of events.

Most of the Jacobins seemed to have followed Robespierre's example rather than that of Desfieux. Even Jacques-Réne Hébert, a journalist known for his violent rhetoric, could not come up with a more radical proposal during this period than the expelling from the military the "former partisans of Lafayette," (who had long since been discredited).<sup>76</sup> In practical terms, the Jacobin club took no part in the disorders in Paris and the reaction to them in the Convention. The club continued to serve merely as a forum for leaders to discuss events rather than a means of exercising direct influence. Robespierre used the club's tribune to criticize his rivals in the Convention, just as he had turned it against the government during the discussion over *la patrie en danger*. He did not, however, propose specific plans of action. Nor did he support the spontaneous public disorders. The Jacobin club was limited to discussing these events without playing a direct role in their outcome. They would lose even this limited role in events as the radicals increased their control of the government.

The decree creating the Tribunal was shaped by a complex interaction of factors. Major riots in Paris motivated political journalists to elaborate a particular understanding of leadership based on conspiracy theories and the dependence of the crowd action on incitement from political leaders. In contrast to some of this rhetoric, the Jacobin club refused to accept a leadership role, remaining content to discuss rather than direct political movements. On the other hand, the issue of leadership was highly important for the National Convention, as was typically the case when it came to justifying emergency measures. In this instance, the disorder in the streets and a perceived need to bring the situation under control through the creation of the Tribunal was a key factor in the factionalism that characterized the division between Girondins and Montagnards. Deeply concerned over the impact of the riots on their perceived task of directing the course of the Revolution, leaders from both parties cooperated in creating an institution they believed would help bring the popular movement under control. It is thus evident that this emergency measure was decisively influenced by the immediate situation in Paris.

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<sup>76</sup> Ibid, p. 73.

### CHAPTER THREE: THE LAW OF 14 FRIMAIRE

The conflict between the Girondins and the Montagnards in the Convention ended on June 2, 1793, when the leading Girondin deputies were expelled following an uprising in Paris. This purge left the Montagnard leaders in control of the central government. Later in the month, they produced a new constitution. However, the decentralized nature of this constitution made it difficult to put into effect, especially since supporters of the Girondins had staged a series of revolts across France, adding to the continuing problems of the war and the rebellion in the Vendée. With their government facing administrative breakdown, the Montagnards enacted a series of emergency measures in the late summer and fall of 1793. On August 4, the *maximum general* fixed prices in an attempt to control inflation. The *levee en masse* of August 27 extended the rhetoric of *la patrie en danger* by calling all citizens to arms. On September 5, Terror was declared “the order of the day,” and on October 10 the government was declared “revolutionary until the peace” and the new constitution was suspended. These measures culminated on December 4, with the law of 14 Frimaire, known for the date in the newly created revolutionary calendar. This law formalized revolutionary government and called for a massive administrative reorganization.

Historians have emphasized different measures from late 1793 in accord with their interpretation of the Revolution. For Augustin Cochin, the *levee en masse* that called all citizens to arms on August 27 was the culmination of the process by which the nation was brought under the control of the “collective will” of the philosophical societies. On the other hand, stressing the importance of social and economic factors, Albert Mathiez viewed the *maximum general* of August 4 as the decisive development in the alliance between the Montagnard bourgeoisie and the popular movement.<sup>77</sup> In this chapter I will focus on the Frimaire law as the culmination of these measures. In his study of the Terror in the Loire valley, Colin Lucas has shown that the Frimaire law did not, as its authors intended, create a uniform administrative reorganization for the whole of France. Emphasizing the importance of local conditions, Lucas concluded that, “for the most part...the law contributed little to the structure of terrorism within the

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<sup>77</sup> Cochin, *Libre Pensée* p., 232; Mathiez, *La vie chere*, p. 611.

department.”<sup>78</sup> The inability of the Frimaire law to impose a single structure on the Terror is a testament to difficulties of administration faced by the revolutionary leaders in late 1793.

If the provisions of the Frimaire law cannot be used to describe the situation across the whole of France, they are an indication of the nature of the emergency measures of late 1793. Measures such as the *maximum general* and the *levee en masse* were responses to specific problems, namely inflation and the war. The Frimaire law, on the other hand, sought a comprehensive solution through administrative reorganization. Its passage shows the importance of the crisis of 1793 to the process of centralization through emergency measures. At the time of its passage, the Jacobins were conducting a purge of their membership, which became a means of reinforcing support for centralization. In the press, on the other hand, factional leaders were asserting more independent models of action. Examining the Frimaire law illustrates the growing tension between centralization and factionalism, which would have serious political consequences.

### Organizing the Revolutionary Government

Without a doubt, the impact of the Frimaire law varied widely across the country. The overall effect of the law is thus difficult to assess without examining in detail the factors that conditioned its application at each locality. The factors that motivated the passage of the law, on the other hand, are easier to understand. They reveal the continued importance of immediate circumstances on the enactment of emergency measures. In justifying the declaration of *la patrie en danger*, the representatives emphasized their difficulties with the monarchy. The creation of the Revolutionary Tribunal was closely linked to public disorder in Paris. These problems did not play a role in the development of the Frimaire law, but its proponents in the Convention once again focused their attention on outside elements when explaining their support for emergency measures. In this case, emphasis was placed on the inability of the new republican government to function in a coordinated fashion, and the inadequacy of its institutions for dealing with

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<sup>78</sup> Colin Lucas, *The Structure of the Terror: the Example of Javogues and the Loire* (Oxford and New York: Oxford University Press, 1973), p. 388.

the situation at hand. In response, the members of the Convention viewed the Frimaire law as a means of asserting their control over the administration and forcing it to function properly.

This interpretation of the situation was closely linked to the new Constitution created in June of 1793. The government prescribed in this Constitution was in many ways the culmination of the early idealism of the Revolution, but it was also, in the circumstances of late 1793, highly impractical. The Constitution of 1793 went to great lengths to limit the power of the government, declaring that, “the people always has the right to reconsider, to reform and to change the Constitution.” In this respect, the Declaration legitimized not only peaceful means of reform, but also assured that “when the government violates the rights of the people, insurrection is for the people and for each portion of the people the most sacred of rights and the most indispensable of duties.” At the same time, the Constitution limited the powers of the government, affirming that, “public functions are essentially temporary.”<sup>79</sup> These provisions were fully in line with the doctrine of popular sovereignty developed over the course of the Revolution, but they were also problematic for the members of the Convention, who were seeking to suppress substantial resistance throughout the country and to closely direct the war effort in late 1793. Thus, from the moment it created the Constitution, the Convention was faced with the necessity of delaying its enactment in order to deal with the situation at hand. This dilemma was a central factor in the Frimaire law.

The emergency measures such as the *maximum général* and the *levée en masse* decreed by the Convention in the final months of 1793 were designed to deal with specific problems. The Convention still faced the more general problem of explaining why the Constitution could not be put into effect. A common argument runs through much of this discourse. This interpretation stressed that, while the Constitution was the best form of government possible, problems in the administrative structures already in place prevented it from being properly implemented. This line of thought is evident in the discourse presented to the Convention by Louis-Antoine Saint-Just on October 10 in the name of the Committee of Public Safety, which argued the case for suspending the

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<sup>79</sup> L. Duguit et al., *Les Principales Lois Politiques de la France depuis 1789* (Paris: Librairie Générale de Droit et de Jurisprudence, 1952), pp. 62-73.

Constitution until the end of the war.<sup>80</sup> Saint-Just began by asserting “the laws are revolutionary; those who execute them are not.” He concluded bluntly that, “in the circumstances in which the republic finds itself, the Constitution cannot be established.” The Convention responded to this speech with a decree declaring that, “the inertia of the government is the cause of our reverses,” and suspending the Constitution with the justification that the government had to be “revolutionary until the peace.”<sup>81</sup> With this decree, the Convention admitted that administrative institutions could not function under the new Constitution in the present circumstances. It implicitly delegated to itself the responsibility of establishing the principles under which the government could be established “in a revolutionary fashion.” These principles were outlined in several weeks later in the Frimaire law.

The Committee of Public Safety continued to take the leading role in this process. On November 18, the Committee’s spokesman, Jean-Nicholas Billaud-Varrennes, delivered a long address on the subject.<sup>82</sup> Billaud referred to the decree of October 10 as the base of revolutionary government, while contending that the “necessary compliments” had not yet been put into place. Billaud referred to the same problems of administration Saint-Just had outlined earlier. “Particular interests continue to be the only motive behind civil action,” he argued, “and the levers of government act more for those who move them than for the people.” Billaud asserted that, since the fall of the monarchy, attempts had been made to “renew the constituted authorities...but the same spirit of ambition, of domination, of perfidy has been perpetuated.” This argument drew from the common theme of administrative weakness to explain the lack of progress in forming the new government. The solution proposed by Billaud was based on an increasing centralization of authority in the hands of the Convention, and, ultimately, the Committee of Public Safety. “In government as in mechanics,” he explained, “all that which is not combined with precision...will occasion infinite breakdowns.” Thus, Billaud argued, “every good government must have a central will...in order to attain

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<sup>80</sup> For Saint-Just, see Bernard Vinot, *Saint-Just* (Paris: Fayard, 1985).

<sup>81</sup> *Moniteur*, October 14, 1793, pp. 91-93.

<sup>82</sup> For Billaud, see Arthur Conte, *Billaud-Varenne, géante de la révolution*, (Paris: Olivier Orban, 1989).

movement at the furthest extremities.”<sup>83</sup> To remedy this situation, Billaud presented a series of measures in the name of the Committee. These proposals, after only minimal discussion in the Convention, formed the basis for the law of 14 Frimaire.

The detailed provisions of the law sought to organize the various government institutions along lines very much in keeping with Billaud’s machine analogy. A specific function was given to each institution. The functions of the executive branch were limited to a “provisional executive council,” composed of all the ministers. This council was charged with “active surveillance, relative to military laws and measures, and to administrative, civil and criminal laws.” To ensure that the Convention maintained control over the executive, the ministers were required to report individually to the Committee of Public Safety on the “operations of their department.” District and municipal bodies, surveillance committees, and military authorities were all given a specific role in applying revolutionary laws, but were “expressly forbidden...to make proclamations, or to enact decrees [*prendre des arêtes*]” on their own initiative.<sup>84</sup> The goal of these measures was clearly to bring an end to the administrative deficiencies that the Convention had come to blame for the failure of its previous decrees.

Along the same lines, the law declared the Convention to be “the unique center of the impulse of government.” A significant amount of power was reserved for the Committee of Public Safety, which was given the authority to inspect the activities of “all the constituted bodies and public functionaries,” and to take “all necessary measures for the changes of organization of the constituted authorities.” Finally, a series of penalties were established for public officials who failed to perform their duties in accord with the decree. In keeping with Billaud’s assertion of the need for prompt action, all of these measures were to be put into place “within three days of the publication of the present law.”<sup>85</sup> On paper, at least, this amounted to a significant overhaul of the administrative system. As noted, the actual effects of this law varied considerably according to local conditions. Nonetheless, the text of the law and the speeches justifying it illustrate how emergency measures were understood in relations to the immediate administrative crisis.

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<sup>83</sup> *Moniteur*, November 22, 1793, pp. 248-251.

<sup>84</sup> *Ibid*, December 9, 1793, pp. 317-319

<sup>85</sup> *Ibid*, p. 319

In this particular case, the Convention focused on the supposed failure of the various administrative institutions to enact its decrees.

The role of the Committee of Public Safety was a central aspect of the Frimaire law. The Committee played a significant part in the system envisioned by the law. The proposals of the Committee's spokesmen, Saint-Just and Billaud, provided the initiative. The importance of the Committee was reinforced by a series of messages it sent to the various institutions affected by the law. The goal of these communications was to further ensure that each institution functioned according to its designated role in the revolutionary government, under the overall direction of the Convention, and, ultimately, the Committee. These messages also contained, to various extents, threats concerning the consequences of misconduct, an element most evident in the Committee's instructions to the generals. Distrust of military leaders had long been a significant part of the Convention's discourse, and several had already been guillotined. Now, the Committee declared that, "the insubordination of generals has done the most damage to the public good." The message warned the generals that "the time of disobedience is over," and threatened to punish those who did not obey.<sup>86</sup> In this regard, revolutionary government clearly meant subordination of the military leaders to the Committee of Public Safety.

The Committee also sent instructions to the various local authorities, including the municipal communes and the district and departmental administrations. In these, the Committee was clearly preoccupied with combating federalism, which to the revolutionary leadership was a Girondin plot to destroy national unity. "Federalism..." the Committee informed the district authorities, "aims to neutralize the national representation, by enlarging the points through which power is distributed." The Committee ordered the district administrations to conduct an *épuration*, or purge of their membership, to ensure loyalty to the central authority, and to promptly report the results to the Convention. The message informed the administrators "the law has traced a circle around you, be sure that you never step outside of it." The Committee described the local administrations as "electrical conductors," and warned that, "if you break the chain, you

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<sup>86</sup> Francois-Alphonse Aulaurd, *Recueil des actes du Comité du salut public: avec le correspondance officielle des représentants en mission et le registre du Conseil executive provisoires*, (Paris: Imprimerie Nationale, 1889), vol. 9, pp. 163-165.

will yourselves be burned.” The Committee’s instructions to the departments and the communes followed a similar line. With each of these institutions functioning within the limits prescribed by the Frimaire law, the Committee predicted, “the political machine will regain its life and its movement.”<sup>87</sup> Effective functioning of the revolutionary government was portrayed as impossible if the local administrations did not accept their assigned place in the Committee’s view of authority. In this interpretation, the ultimate source of leadership was the Convention, and local institutions were assigned the subordinate role of carrying out its decrees.

Those institutions that had been created over the course of the Revolution were charged with ensuring the enactment of this program. In March, the Convention had created the representatives on mission, sending its members into the departments with powers to enforce the its decrees. To ensure uniform application of the new measures, the Committee charged the representatives with “the purification and the reorganization of the constituted authorities.” Similarly, the Committee charged the revolutionary surveillance committees with ensuring the proper application of the law, while seeking to reinforce their subordination to the central government. “You are like the hands of the political body,” it informed the committees, “of which [the Convention] is the head, and we [the Committee of Public Safety] are the eyes.” Similar advice was given to the civilian courts, including the Revolutionary Tribunal, which were advised that “when one is obliged to punish, it is necessary to punish promptly.” At the same time, the Committee warned the courts to “recognize also the limits” and commanded that, “if the literal sense of the law presents difficulties, you must seek the solution from the Convention.”<sup>88</sup> These institutions were thus assigned a more active place in the revolutionary government. They were charged with ensuring that the local administrations properly fulfilled their task in enacting the Convention’s decrees. Nonetheless, they were to do so under the strict supervision of the central government, represented by the Convention and especially the Committee.

The same dynamic that characterized the passage of earlier emergency measures was evident in the Frimaire law. When seeking to explain the need for such decrees, the

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<sup>87</sup> Ibid, vol. 9, pp. 169-175.

<sup>88</sup> Ibid, vol. 9, pp. 161-63, 166-68, 182-187.

members of the legislature blamed outside influences that challenged their ability to lead properly, in this case the inability of the administration to function under the Constitution. The search for a solution to this problem produced a discourse on the nature of revolutionary authority. With its descriptions of the role each institution was to play in the revolutionary government, the Frimaire law offered a more detailed and comprehensive assessment of the structure of authority than previous measures. Indeed, the law was intended to enforce the proper application of all the previous measures. Once again, the Convention, and now more specifically the Committee of Public Safety, was portrayed as the primary source of leadership, with other institutions expected to follow its example.

#### Factional Leadership and the Jacobin Press

While the Convention was occupied with the law of 14 Frimaire, the rhetoric of factionalism that was so important for the conflict between the Montagnards and Girondins earlier in the year was beginning to take hold among the victorious Montagnards. Interestingly, such rhetoric did not play a significant role in the Convention's discussions, where the proposals of the Committee were accepted with little debate. In the press, however, this rhetoric produced a vision of leadership significantly different from that associated with the provisions of the Frimaire law. The newspapers *Pere Duchesne*, published by Jacques-Réne Hébert, and the *Vieux Cordelier*, published by Camille Desmoulins, were the leading organs of the radical and moderate groups among the Montagnards. In their competition for political support, both Hébert and Desmoulins adopted the role of the campaigning journalist. This position was closely linked to the rhetoric of factionalism, while it inherently contradicted the Convention's view of itself as the main source of leadership.

Hébert's *Pere Duchesne* had been in circulation since 1790, and was one of the leading radical papers of the Revolution, especially following Marat's assassination on July 13. The title of the paper referred to a fictional character who represented the ideal

*sans-culotte*.<sup>89</sup> Much of the journal's content was occupied by the Père Duchesne's "good advice" to the people, through which the character was portrayed as a model of revolutionary action. In one issue from late 1793, for example, Père Duchesne warned that, "anyone who is too virtuous is a true villain." Hébert counseled his readers that "a pure man never mocks himself; he says what he thinks frankly. He calls a cat a cat." In another issue, he warned against "money and ambition," claiming that, "almost all men sacrifice themselves for these two idols." Hébert predicted that, "if one could remove these two vices from the human heart, all of the people will form one family."<sup>90</sup> Hébert thus used the "good advice" of the Père Duchesne as a means of defining the appropriate behavior of a revolutionary. This rhetoric suggested that the Revolution could succeed only if the people followed the model set by the fictional Père Duchesne.

Hébert linked the model provided by the Père Duchesne to a specific political program, defined by explicit support for violent solutions. Lamenting the evil influence of money, "which can destroy the most well-informed republic," Hébert suggested that "the *sans-culottes* have their antidote...the virtue of the holy guillotine." He listed the accomplishments of the guillotine, which had "forced the rich to empty their coffers." He concluded by warning that "if we give a single moment of rest to the aristocrats...they will once again rise up, and our turn will come." Hébert specifically denounced "the new clique of aristocrats, of moderates, of intriguers, of thieves," as he characterized those who opposed his program. In response, he advised all the "brave *sans-culottes*" to "open your eyes, listen with all your ears, you will find around you all the new conspirators whom I denounce to you."<sup>91</sup> In the vision of revolutionary action presented in the *Père Duchesne*, the success of the Revolution was linked to the personal conduct of the common people, the idealized *sans-culottes*. Significantly, by establishing the fictional Père Duchesne as a model for this conduct, Hébert suggested a vision of authority that

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<sup>89</sup> For Hébert, see Jeremy Popkin *Revolutionary News: the Press in France, 1789-1799* (Durham and London: Duke University Press, 1990), pp. 151-168.

<sup>90</sup> *Père Duchesne*, n. 317, p. 2; n. 138, pp. 1-2. This paper was not dated, but internal references and the fact that it was published roughly once per week make it possible to tentatively assess the date of each issue.

<sup>91</sup> *Ibid*, n. 312, p. 1-3; n. 330, p. 2-3.

differed from the Convention's assertion of its own primacy in directing the course of the Revolution.

Hébert's rival, Camille Desmoulins, began publishing his own newspaper, the *Vieux Cordelier*, on December 5. He sought to oppose the radical program advanced in the *Père Duchesne*. Desmoulins had previously produced the newspaper *Révolutions de France et de Brabant*, but had abandoned it in 1790.<sup>92</sup> He began the *Vieux Cordelier* with a discussion of his return to journalism, examining the connection between his responsibilities as a revolutionary journalist and as a member of the Convention. Reflecting on the events that had taken place since he had abandoned his previous paper, Desmoulins regretted that "I was wrong to leave my periodical pen, and to allow intrigue to adulterate the departments." However, Desmoulins also saw the advantage of his previous detachment. "My colleagues," he explained, "have all been so occupied with the whirlwind of business...that they have no time to read, I would say almost to meditate." In contrast, Desmoulins argued that his lack of engagement placed him in a unique position of leadership. He symbolically described the *Vieux Cordelier* as a "committee of readers and thinkers." He proposed, through his journal, to "present the report of this committee," and offer his colleagues advice on "the lessons of history" and "the art of government."<sup>93</sup> In this discourse, Desmoulins described a very specific mode of revolutionary action. The *Vieux Cordelier* was presented as a means of directing the Revolution on the proper course precisely because of Desmoulins's disengagement from the affairs of the Convention.

This justification inherently challenged the assertion advanced by the Frimaire law that the activity of the Convention was the ultimate source of leadership. Defining his political program, Desmoulins warned against the effects of subordinating revolutionary action to the will of the government. He criticized those in the government who were "villains of foolishness and blindness, because they are in such a committee, or occupy such an eminent place, and do not heed what is said to them." As a counter to this mentality, Desmoulins defended the freedom of the press. "They want to make terror

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<sup>92</sup> For Desmoulins, see Jacques Janssens *Camille Desmoulins: la premier républicain de France* (Paris: Perrin, 1973).

<sup>93</sup> *Le Vieux Cordelier*, pp. 6-10.

the order of the day...” he declared, referring to one of the Convention’s earlier declarations, “they should thus ensure the liberty of the press, because it is the terror of rogues and counter-revolutionaries.” He also proposed the formation of a “committee of clemency,” because, he asserted, “clemency is also a revolutionary virtue, and the most effective of all when distributed with wisdom.”<sup>94</sup> This proposal, like the imaginary “committee of readers and thinkers”, was a play on the actual role of the Committee of Public Safety, and a thinly veiled criticism of its increasing powers. These proposals suggested that the centralization of government advanced by the Frimare law was dangerous to the Revolution, and held out the free press (and specifically the *Vieux Cordelier*) as an alternative source of leadership.

The *Père Duchesne* and the *Vieux Cordelier* became the organs of competing groups of extremists and moderates. Although the two journalists bitterly attacked one another, the most significant conflict was between their shared view of revolutionary leadership and the ascendancy of the Committee of Public Safety. Ultimately, the Committee could not tolerate this challenge. Hébert and his supporters were guillotined in March of 1794, followed a few weeks later by Desmoulins and the moderates. The rhetoric of factionalism employed by both groups, and the view of leadership that this entailed, was incompatible with the centralized view of revolutionary government embodied by the law of 14 Frimaire.

### Purge in the Jacobins

In the provisions of the law of 14 Frimaire, Jacobin clubs were assigned the limited role of assisting the authorities in applying revolutionary laws and monitoring their progress. This role coincided with the Paris Jacobins’ view of their club as a society for discussion and not direct political action. At the same time that the law was under discussion, the Jacobins were engaged in a *scrutin épuratoire*, the periodic purges during which the members of the club were required to defend their commitment to the principles of the Revolution or face expulsion. The questions to be posed to each member focused on their actions over the course of the Revolution,

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<sup>94</sup> Ibid, pp. 49-51; 65-66.

What did you do in 1789? What have you done in 1793? What was your fortune in 1789? What is it now? If your fortune has augmented, what means did you employ?...What have you done for the Revolution? Have you signed any counter-revolutionary petitions? Administrators, journalists and representatives of the people, have you used your pen and your opinions only in the service of liberty?<sup>95</sup>

These questions focused on individual activity, but they were intended to support the collective view of revolutionary action advanced by the Frimaire law. The overriding concern of the Jacobins in the *scrutin* was to determine the support of individual members of the club for the revolutionary government.

The results of the *scrutin* in December of 1793 illustrate the flexibility, but also the central importance, of support for the revolutionary government. One member was denounced for having refused to serve as a juror on the Revolutionary Tribunal. He was saved when another member noted that his twelve-year old son was crying in the corner of the hall. When admitted to the tribune, the boy declared that his father “is a good patriot who raised me in the purest principles of the Revolution.” The father was passed, and the son received a certificate of entry to the club’s meetings. Thus, the member’s failure to act by serving on the Tribunal was compensated by his action in raising his son “patriotically.” When Fourcroy, the current president of the club and a member of the Convention, was accused during his *scrutin* of negligence in his duties as a representative, he pleaded that; “the study of science and arts has not permitted me to occupy myself equally with politics and legislation.” Fourcroy defended his participation in the *Lycée des Arts* by declaring that he was motivated by the “*l’intention de le sans-culottiser.*”<sup>96</sup> In these cases, members of the club were denounced for failing in their duties to the revolutionary government. This charge could be countered only through proof of other sufficiently revolutionary activities.

On December 12, the club conducted a *scrutin* of the members who were also deputies. Most of these passed without incident, after demonstrating that they supported the Montagnard cause in the Convention. The Jacobins also made special considerations to monitor the patriotism of individuals in other branches of the government. On

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<sup>95</sup> Aulaurd, *Jacobins*, vol. 5, p. 533.

<sup>96</sup> *Ibid*, vol. 5, p. 545-547.

December 13, the club decided that they should include members of the Revolutionary Tribunal in the *scrutin*, following a proposal advanced by Robespierre. Robespierre insisted that membership in the Tribunal “demands the confidence of the people.” For members of the Tribunal, Robespierre argued, “public scrutiny, if they come out pure, will be the highest certificate of civism that they can obtain.” The following day, surveillance of the administration went a step further when the club decided to name commissioners to the Committee of Public Safety, with the goal of obtaining a list of the employees in the administrative departments, “along with exact information on their moral and political life.”<sup>97</sup> This was clearly a means of fulfilling the role of surveillance assigned to the Jacobins by the law of 14 Frimaire. Georges Couthon, a member of the Committee of Public Safety, proposed the measure. The Jacobins were eager to monitor the revolutionary commitment of the administration, but they were also careful to do so strictly under the limits prescribed by the Frimaire law, and following the initiative of influential members of the government.

The factional struggle between moderates and extremists was also a factor in the club’s discussions. Although Desmoulins passed the initial *scrutin* for deputies, on December 21 a member of the club accused his newspaper of advocating “aristocratic reflections on revolutionary measures” and demanded his expulsion. This set in motion a series of intense debates between the supporters of Desmoulins and those associated with Hébert. In the midst of this debate, Danton deplored the factional struggle, reminding the club that “the Romans...forgot all particular quarrels while the enemy was at the gates of Rome.” He proposed forming a special committee to deal with the dispute so it would not infringe on the proceedings of the club. This was accepted, but the committee was slow in its report and the dispute resumed and continued to drag on. On January 5, Desmoulins and Hébert traded accusations of libel and embezzlement. Robespierre’s younger brother, Augustin, who had just returned from the departments, lamented this turn of events. “On my departure we were occupied with the great interests of the Republic,” he asserted, “today it is miserable individual quarrels that agitate us.”<sup>98</sup> Nonetheless, the dispute continued to occupy the club, until the elimination of both

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<sup>97</sup> Ibid, vol. 5, p. 551-558.

<sup>98</sup> Ibid, vol. 5, p. 569-593.

factions several months later. Clearly, some members of the club were disappointed that this occupied the club's time. However, since the Jacobins were explicitly a debating society committed to discussing political affairs, it was natural that the dispute should take a prominent place in their proceedings. The majority of the members watched in silence as the factions traded accusations.

The Jacobin debates contain elements of both the centralized view of leadership embodied in the Frimaire law and the individualistic models advanced by Hébert and Desmoulins. The nature of the club and its commitment to discussing political affairs meant that the conflict between moderate and extremist factions inevitably played a role in its discussions. Supporters of both sides used the opportunity provided by the *scrutin épuratoire* to make accusations against their opponents. However, if the Jacobins tolerated these disputes, their principle function as a debating society ensured that neither side could expect the club to support them with concrete political action. The Jacobins accepted the supporting role assigned to them by the Frimaire law, and on the initiative of leading members of the government such as Robespierre and Couthon, turned the *scrutin* into a means of monitoring the administration.

The law of 14 Frimaire was highly significant for the revolutionary government. Even if its provisions were never completely or uniformly implemented across France, examination of the political events surrounding its passage reveals important elements of the development of emergency measures. As the culmination of a series of such measures, the Frimaire law was specifically concerned with stemming the breakdown of public authority in France during the summer and fall of 1793. Also evident is the contrast between the corporate model of leadership embodied by the law and the individual models advanced by the factional struggle in the press. The clash between these tendencies of centralization and factionalism was a major factor in the political outcome of the Terror. This development was clearly shaped by the efforts of the central government, and especially the Committee of Public Safety, to deal with the immediate circumstances of late 1793.

## CHAPTER FOUR: THE LAW OF 22 PRAIRIAL

The bloodiest period of the French Revolution, commonly referred to as the “Great Terror,” lasted less than two months. During this period, the Revolutionary Tribunal passed more death sentences than it had since its creation more than a year before. A reform of the Revolutionary Tribunal on June 10 of 1794, known as the law of 22 Prairial, was the immediate cause for this increase in bloodshed, which came to an abrupt halt with the fall of Robespierre on July 27 (9 Thermidor). The reform greatly expedited the work of the Tribunal, allowing it to condemn thousands to the guillotine in batch trials known as *fournées*, often with slim evidence of actual wrongdoing.<sup>99</sup> The Prairial law was the final emergency measure of the Terror. In terms of sheer organized repression, this law represents the very peak of the Terror.

The conspiracy that overthrew Robespierre and the period that followed, known as the Thermidorian reaction, have been interpreted in a number of different ways by historians. Interestingly, on this point there is an element of agreement between Albert Soboul and Francois Furet. Although, strictly speaking, neither one views Thermidor as the end of the Revolution, they contend that the nature of the revolutionary dynamic changed after the fall of Robespierre. For Soboul, Thermidor was the inevitable result of the tensions inherent in the temporary alliance between the revolutionary bourgeoisie and the *sans-culottes*. After having emasculated the organs of the popular movement, Soboul concluded, “Jacobinism was unable to survive its own victory over sans-culottism.” Furet interpreted the fall of Robespierre as the moment when “society recovered its independence from politics.” After Thermidor, Furet argued, the nature of revolutionary ideology was fundamentally changed. Sharing a common view of the Revolution as the culmination of a long-term process, Soboul and Furet also agree in interpreting Thermidor as a major turning point in that process. Such an interpretation is not restricted to Marxist or revisionist analysis. In his insightful study of the regime that followed Robespierre, Bronislaw Baczko suggests that “Thermidor is the key moment when the Revolution must carry the weight of its past and admit that it will not keep all its initial promises.” Martin Lyons has challenged such understandings of Thermidor.

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<sup>99</sup> Hugh Gough, *The Terror in the French Revolution* (Macmillan Press Ltd: London, 1998), 56-57; Palmer, 366

Pointing to the role of prominent revolutionaries in the overthrow of Robespierre and the continuation of revolutionary traditions after his fall, Lyons suggests that the period after 9 Thermidor “is best seen...as a continuation of revolutionary traditions, rather than a reaction against all the Revolution stood for.”<sup>100</sup> Clearly, understanding the causes and nature of the conspiracy against Robespierre is important for an analysis of the outcome of the Revolution.

Examining the Prairial law cannot answer the difficult question of when the Revolution truly came to an end. However, the law does shed light on the nature of the conspiracy of 9 Thermidor. The executions of Danton and Hébert in March and April provided an example of the dangerous consequences of factionalism. The Prairial law then carried the principles of centralization to their most extreme form. However, those leaders who felt themselves threatened by this development reacted to the law by resorting to a new type of political action, conspiracy. Conspiracy theories played an obvious role in revolutionary rhetoric from the beginning, and Timothy Tackett has recently suggested that there may have been some basis for these theories.<sup>101</sup> Yet it is not until 9 Thermidor that the course of events was unmistakably altered as a result of a secretive plot. This shows the extent to which revolutionary action was shaped in response to the circumstances of a changing political situation.

### The Prairial law and Disagreement in the Convention

The proposal for reforming the Revolutionary Tribunal was presented by Georges Couthon, a member of the Committee of Public Safety and political ally of Robespierre.<sup>102</sup> The proposal was clearly part of the effort to consolidate the influence of Robespierre and his allies. The administration, Couthon informed the Convention, was still influenced by “prejudices created by the perfidy and by the interests of despotism, or

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<sup>100</sup> Soboul, “Problems of the Revolutionary State,” p. 62; Furet, *Interpreting the French Revolution*; Bronislaw Baczko “*Ending the Terror: the French Revolution After Robespierre* (Cambridge: Cambridge University Press, 1994), p. 260; Martin Lyons, “The 9 Thermidor: Problems and Effects,” ed. Jeremy Black *Revolutions in the Western World, 1775-1825* (Aldershot, England: Ashgate, 2006), p. 301. See also, Palmer *Twelve Who Ruled*, 368-381.

<sup>101</sup> Timothy Tackett “Conspiracy Obsession in a Time of Revolution,” *The American Historical Review*, vol. 5, no. 3 (Jun 2000), pp. 691-713.

<sup>102</sup> *Biographie*, vol. 12, p. 280-81

by a bizarre mix of imposture and truth.” Couthon assured the Convention that “false and obscure notions,” had “largely survived the Revolution itself, because the enemies of liberty have exhausted all of the resources of intrigue to perpetuate them.” Couthon cited the continuing legacy of the justice system of the Old Regime, which he argued was “a false religion which consisted entirely of dogmatisms, rites and mysteries, from which morality was entirely banished.” He also contended that, “our new criminal code is the work of the most infamous conspirators in the Constituent Assembly.” In creating the new code during the early years of the Revolution, Couthon argued, the Assembly “had changed the terms of jurisprudence more than the spirit, and had calculated the provisions on the interests of the rich and the factions, much more than on those of justice and truth.”<sup>103</sup> Couthon thus justified the Prairial law by citing the continuing legacy of the Old Regime, in the same manner that the need for previous emergency measures had been blamed on factors outside the control of the central government.

Even if he did not specifically place blame on the Convention, Couthon nonetheless made several of statements designed to intimidate potential critics among the deputies. He made specific references to the “the immortal faction of indulgents,” a term applied to the supporters of Danton and Desmoulins. This faction, he claimed, “never ceased to take under its safe-guard maxims which protected traitors.” Their goal, he concluded, was to “assassinate the people with a false *humanity*, and betray the fatherland with *scruples*.” Couthon blamed the indulgents for creating a culture in which the needs of the Revolution were subordinated to personal interests. “Everyone,” he declared, “solicits for their parents, for their friends, for counter-revolution; no one solicits for the fatherland.” Couthon finished his discourse on the indulgents with a sharp denunciation of “these ferocious and cowardly enemies of humanity, all covered in the blood of the people.”<sup>104</sup> Thus, blame was specifically placed on former members of the Convention, all once prominent among the Montagnards. By emphasizing the alleged conspiracy of the indulgents, Couthon implicitly threatened their former associates. Many of these individuals had survived the purge, and were still members of the Convention.

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<sup>103</sup> Georges Couthon, *Rapport sur le Tribunal Révolutionnaire fait au nom du Comité du Salut Public* (Paris: Imprimerie Nationale, 1794), p. 1-3.

<sup>104</sup> *Ibid*, p. 2-4.

Couthon explained the goal of his proposed reforms by emphasizing the contrast between ordinary justice and the measures necessary during a Revolution. The indulgent conspiracy, he alleged, had been successful in confusing “the measures taken by the Republic to strangle conspiracies, with the ordinary functions of the tribunals for private offenses in times of calm.” With ordinary offenses, Couthon argued, “there can be some slowness, a certain luxury of forms, and even a sort of partiality in favor of the accused.” On the other hand, Couthon continued, conspiracies “directly menace the existence of society,” and as a result “every delay is guilty, every indulgent or superfluous formality is a public danger.” The goal of revolutionary justice, he concluded, was “less the punishment of [conspirators] than their annihilation.”<sup>105</sup> The error of the indulgents, Couthon argued, was that they had sought to apply the standards of justice during “times of calm” to a situation in which these standards were, in fact, harmful to the Revolution.

Couthon did not limit the objectives of the reform to the Tribunal alone. “All our ideas on the diverse parts of government need to be reformed,” he told the Convention. In his report, Couthon made it clear that the application of this type of justice was a means of finally ensuring the success of the revolutionary state more generally. “If one wants to have a reasonable government,” he explained, “if one wants to terminate the crises of the Revolution, it is time to bring to all parts of the civil and political administration this justice of spirit which will put every principle in its place.”<sup>106</sup> Couthon summarized three basic goals for the law. The first was merely administrative, calling for a replenishment of the Tribunal’s personnel, “diminished by several circumstances.” In addition, Couthon wanted to “fix the principles of this institution, in a manner to guarantee the freedom of slandered patriots and accelerate the judgment of conspirators.” Finally, Couthon stressed the importance of “summarizing, in a single law, the definitions and dispositions of a multitude of decrees.” Thus defined, the Prairial law was similar to the administrative reforms envisioned by the Frimaire law, applied specifically to the Tribunal. In the Committee’s directives on the Frimaire law, the Tribunal had been assigned the job of punishing those who opposed the central

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<sup>105</sup> Ibid, pp. 4-5.

<sup>106</sup> Ibid, p. 6.

government, and thus allowing it to enforce its will. Reforming the Tribunal, Couthon argued, would now allow it to properly complete this task, and thus ensure the success of the government as a whole.

Couthon closed on a vaguely threatening note. “It is more daggers which we bring on ourselves,” he claimed, referring to the members of the Committee, “we know this, but what are daggers to us?” Couthon reminded the Convention that “only the wrongdoer trembles when he acts; well-intentioned men see no dangers when they do their duty; they live without regrets and act without fear.”<sup>107</sup> This language suggested that Couthon and the Committee expected opposition from elements in the Convention. This fear was well founded. When Couthon had finished, two deputies, Pierre-Charles Ruamps and Laurent Lecointre, demanded an adjournment. Ruamps even suggested that if the proposal was not accepted, “I will blow my brains out [*je me brûlerais la cervelle*]!”<sup>108</sup> Significantly, Ruamps and Lecointre had both been associates of Danton and other moderates.<sup>109</sup> Ruamps’ dramatic rhetoric suggests the physical danger some of the deputies may have perceived in the passage of the law, a danger that nonetheless prevented them from opposing it directly. Adjournment was a means of delaying the passage of the law, and possibly of preventing it altogether. Nonetheless, it was not outright opposition. Such tactics illustrate how the political situation was affected by the purge of the factions. Outright opposition was risky, but those who felt themselves to be threatened by the Prairial law tried to delay or prevent its passage by other means.

Bertrand Barrère, another member of the Committee, immediately opposed the demand for adjournment. “When a law totally in favor of patriots is proposed...” he suggested, “legislators can only have a unanimous voice.” Robespierre also stressed the need for prompt action. “For two months,” he asserted, “the National Convention has been under the blade of assassins.” These circumstances, Robespierre argued, had prompted the Committee to propose the new law, which “does not contain a single provision not already adopted by the friends of liberty.” Like Couthon, Robespierre reminded the members of the Convention that the Committee was willing to make

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<sup>107</sup> Ibid, pp. 9-10.

<sup>108</sup> *Moniteur*, June 12, 1793 p. 1075.

<sup>109</sup> For Ruamps see *Biographie*, vol. 42, p. 834; for Lecointre, vol. 30, pp. 229-31

sacrifices for what it believed to be the proper course of action. “We would die,” he promised, “so that the Convention and the fatherland can be saved.” Robespierre concluded that, “whosoever embraces love of the fatherland will support with joy the means of reaching and striking its enemies.”<sup>110</sup> This reminder of the need for swift action, and the vague threats against those who opposed such action, quickly killed the proposed adjournment. Following Robespierre’s speech, the Convention voted for the law with a significant majority.

The Prairial law largely followed the principles elaborated by Couthon on the reform of the Tribunal. It contained a list of the Tribunal’s full personnel, including judges, jurors and prosecutors. Significantly, the accused were no longer allowed public defenders. The sixth article contained a long list of the cases to fall under the Tribunal’s jurisdiction, including “those who seek to blind or dissolve the National Convention and the revolutionary and republican government, of which it is the center.” The next article defined the single penalty for those convicted, death. The law established that “the consciences of jurors enlightened by love of the fatherland,” was significant grounds for condemnation, thus greatly reducing the need for solid evidence and facilitating the death sentences. The tenth article reserved the right to transfer suspects to the Tribunal for “the National Convention, the Committee of Public Safety, the Committee of General Security, the representatives on mission and the public prosecutor of the Revolutionary Tribunal.” Other “constituted authorities,” were forbidden to bring cases to the Tribunal, “without consulting the Committee of Public Safety and the Committee of General Security, and obtaining their authorization.”<sup>111</sup> This provision followed the precedent of the Frimaire law in maintaining the impetus for action in the hands of the central government. Altogether, the law made the work of the Tribunal much easier, allowing it to conduct the mass trials that defined the Great Terror and reinforcing the centralization of power.

The day after the law was passed, when there were no members of the Committee present, Francois-Louis Bourdon demanded a clarification. It seemed, he argued, that the tenth article “departs from previous laws.” Specifically, Bourdon worried that the reform

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<sup>110</sup> *Moniteur*, June 12, 1794, pp. 1075-76.

<sup>111</sup> Couthon, *Rapport*, pp. 10-16.

gave the Committee of public safety the right to bring deputies before the Tribunal, which had previously required a vote in the Convention. He asked the Convention to declare that, “representatives of the people cannot be transported before the Revolutionary Tribunal until the Convention has brought a decree of accusation against them.” Another member, Phillipe-Antoine Merlin, supported this argument, and proposed an amendment to the law, stating that the Convention “had not intended to waive the laws which prevent the transfer to the Revolutionary Tribunal of any representative of the people without its first having rendered a decree of accusation.”<sup>112</sup> Bourdon and Merlin were right to point out that the law was vague on this point, and did seem to conflict with the previous understanding of parliamentary immunity. However, it is also significant that both had been associated with the moderate faction around Danton and Desmoulins.<sup>113</sup> They had managed to escape Danton’s fate in April, but now clearly felt that the new law made them vulnerable.

The next day, Couthon and Robespierre spoke against the proposed clarification by stressing the need for the government to act in unison. The proposal, Couthon claimed, implied that the Committee “wanted to destroy the laws already in place, negate a constitutional provision, and violate the most sacred principles.” To applause, Couthon asserted the unity of the government. “What do we want in the Committee of Public Safety?” he asked, “...that which the Convention itself wants, liberty, the happiness of the people, the glory of the national representation, the Republic or death!” Robespierre reinforced this message by declaring that, “the Committee, the Mountain, the Convention is the same thing!” Bourdon attempted to defend his actions by affirming the need for unity. “I say and I have always said that the Committee of Public Safety will save the public good,” he asserted, “but it is not a crime to demand the explanation of a law.” Robespierre responded by suggesting that the amendment was an attempt to form a new faction. “I have not named Bourdon;” he noted, “unfortunately he has named himself!” Robespierre argued that, “it suffices for a single man to manifest principles opposed to those of the Convention for all the enemies of liberty to rally to him.” He warned the

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<sup>112</sup> *Moniteur*, June 12, 1794, p. 1078.

<sup>113</sup> For Bourdon, see *Biographie*, vol. 7, 66-67; for Merlin see vol. 35, pp. 85-92.

Convention that, “it is up to you to support our courage, and to animate our zealously with your energy.”<sup>114</sup> With the proposed clarification thus interpreted essentially as a means of forming a new faction, it was quickly rejected by the Convention.

The rhetoric used against Bourdon stressed the principle of centralized government action. By suggesting that even a limited amendment could form the basis for factionalism, Robespierre greatly reduced the potential for independent leadership in the Convention. The concentration of the initiative for revolutionary action in the hands of the Committee followed the centralizing trend evident in previous emergency measures. The purge of the factions allowed added a new dimension to this trend. The fate of Danton and Hébert provided an example of the consequences of questioning the proposals of the Committee, although at the same time many also feared that their previous association with purged leaders could make them the target of new repressive laws.

#### Accusations and Responsibilities at the Jacobins

The fate of Danton and Hébert also impacted the sessions of the Jacobin club. A situation similar to that in the Convention was evident, with members of the Committee calling for unity and issuing accusations against fellow deputies. During the meeting of June 11, for example, Robespierre clashed with Joseph Fouché, then serving as president of the club. During the session, a deputation from the Jacobin club of Nevers sought to “refute accusations directed against the club,” specifically those associating it with Pierre-Gaspard Chaumette, a former ally of Hébert. Fouché responded that the Nevers club “merits severe reproaches.” Although Chaumette had been guillotined in April, Fouché asserted that, “it appears at least certain that the shadow of this conspirator” was still present in Nevers.<sup>115</sup> Robespierre attacked Fouché in turn, noting that he had in fact served as a representative on mission in Nevers during the period in question, a fact Fouché had prudently refrained from mentioning in his speech.<sup>116</sup> Robespierre used this

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<sup>114</sup> *Moniteur*, June 14, 1794, pp. 1084-85.

<sup>115</sup> For Chaumette, see *Biographie*, vol. 10, pp. 139-140.

<sup>116</sup> For Fouché, see *Biographie*, vol. 18, pp. 260-282.

association to put Fouché on the spot, declaring that, “if the president knows everything relating to the Nevers affair, it is his duty to explain himself.” When Fouché denied taking part in any conspiracy, Robespierre asserted that, “it is not possible that neither the representative [Fouché] nor the popular society had no knowledge of the maneuvers that took place.” Robespierre used the incident to remind the Jacobins of their duty to the government. “Do not sleep in false security,” he warned, “do not abandon the Convention and the government of which it is the center.”<sup>117</sup> With this the discussion came to an end, but the implications were clear. Fouché had been challenged for failing in his duty as president of the Jacobins to monitor and denounce conspiracies. The incident reminded the Jacobins of the duty the government expected them to perform, and also of the possible consequences of failure or insubordination.

The Jacobins were clearly eager to disassociate themselves from possible conspiracies. On June 12, the representative Jean-Lambert Tallien and two other deputies had apparently been followed while walking in the Tuileries garden. In the Convention Robespierre accused Tallien of using the incident “to debase and trouble the National Convention,” while Billaud affirmed that the men who had followed Tallien were “excellent Jacobins.”<sup>118</sup> The incident indicates a certain level of paranoia in the Convention, but was discussed only briefly. Nevertheless, two days later the issue was resurrected at the Jacobins. A member of the club’s correspondence committee declared that, “the gravest accusations have been made against Tallien, who has not been absolved.” On his recommendation, the Jacobins voted to cut off all contact with Tallien. By publicly accepting the charges against Tallien and effectively terminating his membership, the club clearly hoped to avoid being held responsible for the accusations against him, thus avoiding charges similar to those made against Fouché.

In the midst of this tension, Couthon reported to the club on the Prairial law. He began with the ominous declaration that “the shadow of Danton, of Hébert and of Chaumette still walks among us.” Referring specifically to the debate on the amendment, Couthon declared that, “the foreign faction is agitating in every sense,” and asserted that, “those who spread these noises are the accomplices of Hébert and Danton.” He

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<sup>117</sup> Aulaurd, *Jacobins*, pp. 171-174.

<sup>118</sup> *Moniteur*, June 14, 1793, 1085

suggested that those who had been associated with purged leaders were now trying to turn others against the government in order to save themselves. Couthon offered examples of the insinuations that were allegedly being used to create an atmosphere of panic. Certain leaders, he alleged, told their colleagues that, “while Hébert, Danton and Chaumette were alive, you acted in their favor, persuaded that you were acting for the good of the Republic; the Convention and the Committees will not take your good intentions into account; you will be punished like Hébert and Danton.” Indeed, such rumors were entirely possible considering the tension among the revolutionary leaders. Members of the Committee had made it clear that they still suspected supporters of the purged factions to be operating, and those who believed that they were under suspicion knew the risks of challenging these assertions openly. Playing on the atmosphere of fear with vague insinuations was one of the few courses of action left to those who believed that their lives were threatened by the new law.

Couthon assured the Jacobins that the Committee was committed to maintaining unity with the Convention. “If the Committee forgets that it is the child of the Convention...” he told them, “the Republic is lost.” He also reminded the club of the duty it was expected to fulfill for the government. “Jacobins, you do not have to make great efforts...” he contended, “we only need your surveillance and your union.” He asked the club to “carry a combat to the death against the enemies of the Revolution, and do not rest until the Revolution has been achieved.” “I demand,” he concluded, “that the members of the society...survey more than ever the villains who wish to ruin the public good.”<sup>119</sup> This rhetoric played on the tensions created by the purge of the factions. Couthon’s goal was to reinforce the role for the club prescribed in the Frimaire law. The Jacobins were expected to be constantly vigilant, and it was becoming clear that those who failed to denounce possible conspiracies would be suspected of involvement. This situation reinforced the club’s expected subordination to the initiative of the central government.

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<sup>119</sup> Ibid, 178-179

## Jacobin Propaganda in the *Journal de la Montagne*

The complex debates and subtle accusations exchanged in the Convention and the Jacobins during discussions of the Prairial law can be best understood in the context of greatly reduced opportunities for open public dissent. The strongest indication of this trend can be found in the revolutionary press. The purge of the factions encouraged journalists to back away from assertions of their right to independent action through propaganda. The executions of both Hébert and Desmoulins provided a clear example of the fate that awaited those who criticized the government in print. Many papers were forced to close down during this period, and the few that remained adopted a more circumspect approach.<sup>120</sup> On the surface, at least, centralization had triumphed over factionalism in the press. This development had profound consequences for the ways in which revolutionary leaders responded to the Prairial law and the intensification of the Terror.

Typical of the papers that survived the Great Terror by unreservedly supporting the central government was the *Journal de la Montagne*. By the spring of 1794, the *Journal* was one of the most notable papers still in circulation. The nature of this newspaper distinguished it from the publications of Marat, Hébert and Desmoulins. These journalists expressly described their papers as individual undertakings, a fact reflected in their titles. The *Journal*, on the other hand, was not an individual enterprise, but the official bulletin of the Paris Jacobins. Financial support for its publication came from the government as well as the club. Indeed, the department of war purchased copies of the *Journal* for circulation among the armies. The editor of the paper in June of 1794 was Thomas Rousseau. Rousseau was a loyal but not outspoken Jacobin. He had previously served as the club's archivist and on its administrative committee.<sup>121</sup> Almost every aspect of the *Journal* ran counter to the style of the campaigning journalist that had previously dominated the press. This made the paper a perfect propaganda organ for the centralization of power achieved during the final stage of the Terror.

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<sup>120</sup> Gough, *Newspaper Press*, 83-110

<sup>121</sup> Hugh Gough. "Les Jacobins et la presse: le *Journal de la Montagne*." *Girondins et Montagnards : actes du colloque, Sorbonne, 14 décembre 1975*. Ed. Albert Soboul. Paris: Société des études robespierristes, 1980, 285

Unlike Marat, Hébert, Desmoulins and the Girondin journalists, Rousseau did not use his paper to engage in political polemics. Part of the *Journal* was devoted to reporting on the sessions of the National Convention and the Jacobins. The front page was reserved for foreign news, and especially information from the front. These stories were often based on rumors or on reports circulated by the government. They frequently began with indefinite phrases such as *on remarque* and *on pense*, without specifying exact sources. In the past, journalists such as Marat had seized on military setbacks to criticize the government. The *Journal* consistently predicted victory for the revolutionary armies and downplayed enemy movements. On June 8, for example, in response to news of Austrian advances, the paper assured readers that the Austrians “are very far from having the necessary contingents to assure the success of their operations...their efforts, up to this moment, have been practically useless.” The article affirmed that “the people” of Austria “have opened their eyes, they have begun to sense the gravity of their chains, to see that these odious individuals named princes, kings and emperors are nothing but cowardly oppressors.” The paper frequently predicted revolution in the enemy countries, as in an article June 11 on “popular movements” in Austria. These movements, according to the *Journal*, “seem to announce that the epoch of the great crisis is near, and that the awakening of the peoples is not far away.”<sup>122</sup> Other journalists had used similar patriotic rhetoric to advance their political interests in the past, such as the Girondin journalists who pushed for war in 1792 in hopes of weakening the monarchy. In the *Journal*, on the other hand, such rhetoric was clearly intended to unquestioningly support the government’s war effort.

The only open expression of opinion in the *Journal* was in a short column at the end of the paper entitled “morality.” Even here, Rousseau avoided commentary on political developments, instead focusing on a subject designed to encourage unity, the war. He contented himself with patriotic declarations of the justice of the French cause. “The French are fighting for their liberty, for the freedom of the people of the universe,” he declared on June 6, “the tyrants have taken up arms to support their monstrous usurpations; the slaves fight to conserve their chains.” Rousseau encouraged the people to support the war effort, declaring, “perish, if necessary, every Frenchman...so long as

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<sup>122</sup> *Journal de la Montagne*, June 8, 1794, p. 337 ; June 11, 1794, p.354.

liberty triumphs and humanity survives!” On the few occasions in which he commented on domestic affairs, Rousseau supported the government, and especially Robespierre. On June 8, he described the Festival of the Supreme Being, a celebration supported by Robespierre to combat the legacy of anti-Catholic policies advocated by Hébert and other radical critics of the government. Rousseau paid homage to the Supreme Being, “source of all enlightenment and all truth, author of nature, common father of all men, arbiter of their destinies.”<sup>123</sup> In these articles, Rousseau pointedly avoided political controversy, a sharp contrast from the combative journalism of the past few years.

Rousseau’s articles were especially out of touch with the increasingly harsh reality of the Terror. On June 11, he duly recorded the passage of the Prairial law, printing its provisions without comment in the section devoted to the Convention. In his morality column, Rousseau focused on another decree, in which the Convention ordered the planting of new “liberty trees,” a symbolic gesture dating to the early years of the Revolution. “The French people...” Rousseau proclaimed, “is resolved to defend the tree of liberty, as soldiers defend their flag.” The only indications of the increasing repression were in the *Journal’s* reports on the sessions of the Revolutionary Tribunal. Even before new law went into effect, these columns offered a grim tally of the daily slaughter. On June 10, as Couthon offered his suggestions to expedite the work of the Tribunal, the paper listed the names of more than forty individuals who had been convicted over the previous two days “of being authors or accomplices of the conspiracy which exists against the Republic, liberty and the security of the French people.” “The Tribunal has condemned the above named to the penalty of death,” reported the paper, “declared all their property confiscated for the good of the Republic, and ordered that the present judgment should be executed in the *Place de la Révolution*, read, and posted everywhere.”<sup>124</sup> If Rousseau and his staff had any opinion on these events, they were careful not to let it show in their report.

The orthodoxy displayed by the *Journal de la Montagne* exemplifies an important change in the revolutionary press. During the Great Terror, journalists inclined to question the government found it necessary to keep silent, and many important papers

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<sup>123</sup> Ibid, June 6, 1794, p. 323; June 8, 1794, p. 344.

<sup>124</sup> Ibid, June 11, 1794, p. 360; June 10, 1793, p. 350-352.

stopped publishing.<sup>125</sup> This development contrasts sharply with the open polemics engaged in by Hébert and Desmoulins just a few months earlier, and illustrates the severe curtailment of the revolutionary journalists' once significant potential for independent political action. While journalists in the past had used their papers to win political support for their opinions, the fate of Hébert and Desmoulins made the potential consequences of such activity clear. None of the surviving journalists chose to follow their examples. This restriction of public displays of opposition is a strong indication of the state of political leadership at the time when the Prairial law was put into effect.

The executions of prominent leaders in the spring of 1794 had a profound impact on both emergency measures such as the Prairial law and the nature of opposition to these measures. The examples of Hébert and Desmoulins discouraged journalists from expressing dissent in their papers. At the Jacobins and the Convention, opposition was characterized by members of the Committee as part of a conspiracy to form a new faction, a tactic that succeeded in preventing open dissent. Only because of this atmosphere of tension were the spokesmen of the Committee able to secure the passage of the Prairial law. Nonetheless, when one style of leadership was restricted, another developed in its place. It is evident that Bourdon, Fouché, Lecointre, Merlin and Tallien were all heavily involved in the plot.<sup>126</sup> The calls for government unity common to all emergency measures would have had little effect on these leaders, who believed their lives to be in danger for their past associations. They resorted to a largely new method of revolutionary action, the secret conspiracy. Thus, both the Great Terror and the Thermidorian reaction must be considered in relation to the purge of the factions.

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<sup>125</sup> Gough, *The Newspaper Press*, 100; Popkin, *Revolutionary News*, 171-172.

<sup>126</sup> Robert Palmer *Twelve Who Ruled*, 368-381

## CONCLUSION

It was not long after the fall of Robespierre that the first works on the history of the Revolution began to appear. In 1796, the conservative intellectual Joseph de Maistre's *Considerations sur la France* painted the Terror in religious terms. In the divine plan for France, Maistre observed, the leaders of the Terror were "simple instruments...and surely they were more surprised at their power than anyone else in the kingdom."<sup>127</sup> The following year Louis-Marie Prudhomme, a former journalist who had been forced to close his paper in 1794, began his effort to catalogue the atrocities of the Revolution, focusing specifically on the period of the Terror.<sup>128</sup> As Stanley Mellon has shown in an exhaustive study, by the time of the Restoration in 1815 the history of the Revolution was a centrally important issue, and the political uses of memory in this case tended to encourage a long-term view of events. For liberals such as Germaine de Stael and Francois Guizot, it was important to show a long historical tradition of the struggle for liberty in France in order to justify the Revolution. Conservatives, on the other hand, found it necessary to turn to the *philosophes* of the Enlightenment to support their understanding of the Revolution as part of a wide-ranging plot.<sup>129</sup> In these early interpretations, the view of the Revolution as part of a long historical tradition, whether Maistre's divine plan or Stael's ancient Gallic liberties, was clearly important.

If an understanding of the Terror in a broad historical context was important for the politics of early nineteenth century France, it has proven to be equally important in historical interpretations of the Revolution to the present day. In 1856, Tocqueville's *Old Regime and the French Revolution* made the case for such an interpretation by describing long-term political and social trends evident in the decades before and after the Revolution. Variations on this theme had a significant influence on the works of both

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<sup>127</sup> Joseph de Maistre, *Considerations on France*, trans. Richard A. Lebrun (Montreal and London: McGill-Queen's University Press, 1974), pp. 26-27. For recent work on Maistre, see Cara Camcastle *The More Moderate Side of Joseph de Maistre: Views on Political Liberty and Political Economy* (Montreal: McGill-Queen's University Press, 2005); Owen Bradley *A Modern Maistre: the Social and Political Thought of Joseph de Maistre* (Lincoln: University of Nebraska Press, 1999).

<sup>128</sup> Joseph Zizek "'Plume de fer': Louis-Marie Prudhomme Writes the French Revolution" *French Historical Studies*, vol. 26, no. 1 (Fall 2003), pp. 619-660.

<sup>129</sup> Stanley Mellon, *The Politics of History: a Study of the Historical Writing of the French Revolution* (Ann Arbor, Michigan: University Microfilms International, 1978), pp. 1-162.

Marxist and revisionist historians in the twentieth century. Yet it is important to consider the specific events of the 1792-94, which profoundly shaped the Terror. Tocqueville's remarks on the revolutionary legacy are instructive in this regard. "The tepid passions of our day," he wrote in his recollections of the Revolution of 1848, "were expressed in the burning language of '93, and the names and deeds of illustrious villains were continually on the lips of men who had neither the energy nor even the sincere desire to imitate them." The leaders of 1848 were drawn to the memory of 1793 because the striking example of the events and circumstances of the first Revolution provided a means of interpreting their own revolutionary present. Indeed, studies by Alan Spitzer, Patrick Hutton and others have shown the importance of the memories of the French Revolution in nineteenth century France, not to mention their impact on later revolutions.<sup>130</sup> Yet no two revolutions are alike, and Timothy Tackett has made a strong case for the importance of contingency and circumstance in the French Revolution.<sup>131</sup> Any attempt to extend the chronology of the Terror beyond its specific epoch must necessarily obscure the importance of these factors to some extent.

The purpose of this study has not been to deny the merits of such interpretations. Clearly, the antecedents and legacies of the Revolution, whether political, social, cultural or intellectual, must be taken into account in examining the nature of the Terror. My goal has been to show that the history of these events can also be viewed from a different perspective, one that stresses their unique nature. Immediate factors such as the military crisis, political and administrative reorganization and the constant threat of public disorder played a crucial role in the emergency measures of 1792-94 which formed the basis for the Terror. Likewise, the actions of leaders during this period must be understood in the context of the new institutions such as revolutionary assemblies,

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<sup>130</sup> Alexis de Tocqueville, *Recollections: the French Revolution of 1848*, ed. J.P. Mayer and A.P. Kerr (New Brunswick and London: Transaction Publishers, 2002), 74; Patrick Hutton *The Cult of the Revolutionary Tradition: the Blanquists in French Politics, 1864-1893* (Berkeley, Los Angeles and London: University of California Press, 1981). For more on the revolutionary tradition, see Alan Spitzer *Old Hatreds and Young Hopes: the French Carbonari Against the Bourbon Restoration* (Cambridge: Harvard University Press, 1971); James Billington, *Fire in the Minds of Men: Origins of the Revolutionary Faith* (New York: Basic Books, 1980); Gwynne Lewis "The French Revolution, 1789-99" ed. David Parker *Revolutions and the Revolutionary Tradition in the West, 1560-1991* (London and New York: Routledge, 2000), pp. 88-108.

<sup>131</sup> Tackett, *When the King Took Flight*, pp.219-223.

political clubs and the expanded periodical press through which they justified the emergency measures and concurrently claimed legitimacy and authority.

It is obvious that the declaration of *la patrie en danger* in July of 1792 was closely linked to the military crisis. The extent to which this crisis shaped a new and expanded understanding of the nature of warfare is a point that has been emphasized in many important studies. It is vital to recognize the political implications of this development in military thought. The dramatic reorganization of the war effort envisioned by this declaration was shaped by the efforts of the Legislative Assembly to consolidate its authority. At the same time, the crisis fueled disputes among the revolutionary leaders, expressed at the Jacobins and in the press. The declaration was the first step in a series of emergency measures which show how the political basis for the Terror was influenced by immediate circumstances.

The creation of the Revolutionary Tribunal in March of 1793 is an important illustration of the influence of public disorders on the revolutionary government. The Parisian riots of February and March of 1793 forced both Girondins and Montagnards to consider their role in directing the progress of the Revolution. In the meetings of the Jacobins and the pages of the revolutionary press, the disorders provoked a discussion of conspiracies that inherently addressed the relationship between political leaders and the masses. In the Convention, such considerations influenced the creation of an institution that would play a crucial role in the Terror.

The formal inauguration of revolutionary government in December of 1793 was the culmination of a long series of measures passed in response to the administrative breakdown created by the continuing military crisis and the wave of rebellions that erupted across France earlier in the year. The Committee of Public Safety used this measure as an opportunity to advance a vision of revolutionary politics based on the subordination of political authorities to the authority of the central government. This ideal was reinforced by the purge in the Jacobin club that emphasized the responsibility of individual Jacobins to support the efforts of the government. In the press, however, factional leaders were increasingly contesting this centralization with political programs based on the importance of individual initiative. Tension between these models of revolutionary action played a vital part in the purges of the following year. The example

of the Frimaire law shows the political consequences of administrative reorganization in terms of centralization of power and factional disputes.

Finally, the reform of the Revolutionary Tribunal in June of 1794 brings into focus the full impact of the continuing trends of factionalism and centralization. The natural progress of these developments in relation to constantly shifting circumstances culminated in the dramatic public executions of a number of prominent leaders. This created a situation in which surviving politicians felt the need to act against the rapidly expanding Terror represented by the Prairial law, and yet were prevented from public dissent by the fear of suffering a similar fate. The secretive plot against Robespierre contrasts sharply with the very public nature of the political disputes associated with previous emergency measures. This conspiracy is an illustration of the way in which the forms of revolutionary action were formed in response to a fluid political situation constantly altered by the progress of events.

In an examination of each of these decrees, a common dynamic emerges. Each of the emergency measures can be linked to a set of specific circumstances that clearly influenced the ideas and actions of the political leaders. Although such an observation may seem self-evident, it is important to keep in mind the tendency in histories of the Revolution to portray the Terror as part of a phenomenon much broader than, and one might say even independent of, the events of 1792 to 1794. The significant numbers of studies that suggest such an interpretation from different vantage points have clearly enhanced our understanding of the Revolution and deserve consideration. Tocqueville, Soboul, Furet and other historians of the Marxist and revisionist schools have shown the impact of political, social and cultural developments on the events of 1792 to 1794. Yet such an approach must not be allowed to obscure the events themselves. In focusing on the institutions through which leaders asserted their newly gained authority, such as legislative assemblies, political clubs and the expanded periodical press, it becomes clear that the extensive crisis that followed the outbreak of war in 1792 directly shaped the way in which revolutionary leaders reacted to extreme circumstances. As leaders crafted emergency measures to cope with the constantly changing situation, the trends of centralization and factionalism, typically associated with long-term developments, took on specific meanings in relation to immediate circumstances.

In advancing such an interpretation, I do not wish to resurrect Aulard's contention that the leaders of the Terror should be excused because of the circumstances in which they found themselves. The main point is rather that the actions of leaders and the political consequences of those actions cannot be understood without reference to their effort to assert their authority in the midst of events outside of their immediate control. This was the central factor in the emergency measures that formed the basis for the Terror. Mona Ozouf's analysis of "the idea of the new man" as "a central dream of the French Revolution," has evident implications for the interpretation advanced here. Ozouf associates the idea of the new or regenerated man with "a thousand institutions and creations: new schools, celebrations, the new space of *departments*, the new time of the calendar, renamed places."<sup>132</sup> Ozouf gives less attention to the institutions considered here, although the concept of the "new man" is equally important in this case. As politicians asserted and defined their authority in the assemblies, the Jacobins, and the press through the emergency measures of 1792 to 1794, they modified and redefined a type of "new man" born in 1789, the revolutionary leader. This development was conditioned less by idealistic dreams than by the precarious and shifting circumstances of these years. The dramatic actions of the politicians considered here in response to their situation and their unprecedented role in developing theories on what it means to lead a revolution help explain their lasting place in the revolutionary tradition in Europe. Yet at the same time we must base our analysis of these leaders on the conditions and events of their own era.

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<sup>132</sup> Ozouf, *L'Homme Régénère*, pp. 116-117

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## **BIOGRAPHICAL SKETCH**

I was born in Denver, Colorado on April 27, 1983. I attended Lakewood High School in Lakewood, Colorado, graduating with an International Baccalaureate degree in May of 2001. I entered Colorado State University in Fort Collins, Colorado in August of 2001, studying history. Thanks to advanced credit from high school, I was able to graduate with an M.A. one year early, in May of 2004. I entered Florida State University with a fellowship in the Institute on Napoleon and the French Revolution. Since then, I have completed archival research in France and attended several academic conferences, giving a paper at the Consortium on the Revolutionary Era in March of 2006.