

IN DEFENCE  
OF THE TERROR

Liberty or Death in the French Revolution



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Translated by David Fernbach

*With a Foreword by Slavoj Žižek*



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*For Lorenzo and Julia*

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## CONTENTS

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<i>Foreword: The Dark Matter of Violence, Or, Putting Terror in Perspective by Slavoj Žižek</i>	xi
<i>Acknowledgements</i>	xxxi
Introduction: An Intolerable Revolution	1
1. The Emotions in the Demand for Terror	21
2. The September Massacres	35
3. The Terror as a Long Cycle of Vengeance: Towards a Reinterpretation of the Laws of Terror	57
4. The People and the Popular	79
Conclusion: The Terror and Terrorism	97

I want never to forget how I was forced to become  
– for how long? – a monster of justice and intolerance,  
a narrow-minded simplifier, an arctic character  
uninterested in anyone who was not in league with  
him to kill the dogs of hell.

– René Char<sup>1</sup>

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1 René Char, 'Recherche de la base et du sommet. Billets à Francis  
Curel, II' (1943), *Œuvres complètes*, Paris: Gallimard, 1983, p. 633.

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## INTRODUCTION: AN INTOLERABLE REVOLUTION

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1792

In Éric Rohmer's film *The Lady and the Duke* (2001), the French Revolution is seen through the eyes of Grace Elliott. This friend and former lover of the duc d'Orléans, before being imprisoned herself during the Terror, was confronted with two of those events that have given the Revolution its savage reputation: the massacres of September 1792 and the death of the king. During these massacres, Grace Elliott crossed Paris in a carriage. After having managed not to faint at the sight of the duchesse de Lamballe's head – whose well-known face was paraded in front of Elliott's carriage atop a pike – she cried in delayed shock when she reached her home and explained what she had seen. Faced with the impending death of the king, she hoped right until 21 January 1793 that the revolutionaries would not dare to kill him, and interpreted the cries of the people that she heard from her residence in Meudon as a demonstration to prevent his execution. After his death she went into mourning, and would not get over her anger at the duc d'Orléans, who had not only done nothing to oppose the king's death, but had actually voted for it. Revolutionary violence was imprinted on human bodies, whether in the institutional no man's land of the September massacres or in the context of the inventive institution of the king's trial. Grace

Elliott's reactions were both sensitive and moral: fear, anger and sadness are the expression of an emotional and normative judgement. We can well imagine that she found these two events 'insufferable'.

Elliott's point of view, which was also that of Edmund Burke and Hippolyte Taine, was expressed in the memoirs she later wrote and that were eventually published in 1859. But today, through the effect of this historical film, it has also become a contemporary point of view on the French Revolution.

If we cannot maintain that this vision of the Revolution is completely dominant today – since it is certainly not detested by all its heirs – we have to admit that the film's reception, both before and after its release in September 2001, was highly positive, not just on account of its aesthetic innovations but also for its ideological standpoint. Marc Fumaroli, in an article for *Cahiers du Cinéma* in July 2001, saw it as a key film on 'the bloodiest and most controversial days in our history',<sup>1</sup> and constructed a parallel between the prisons of the Terror and the Nazi-era extermination camps:

When she meets up in prison with duchesses, countesses, laundrywomen and actresses, all condemned to the scaffold for the mere fact of their birth or their allegiance, she is almost happy to share their fate, just as a 'goy' *résistante* would have been in the Drancy transit camp in 1942–43.<sup>2</sup>

We see here the conscious construction of a new reception of the French Revolution which, out of disgust at the political crimes of the twentieth century, imposes an equal disgust towards the revolutionary event. The

1 Marc Fumaroli, 'Terreur et cinéma', *Cahiers du cinéma*, July–August 2001, p. 42.

2 Ibid., p. 44.

French Revolution is unspeakable because it constituted 'the matrix of totalitarianism' and invented its rhetoric.<sup>3</sup>

The social and ideological cleavages that form the fabric of the revolutionary event have constantly plagued its representations. There have always been counter-revolutionaries – and they were perceived as such. Today, however, what is more surprising is that these counter-revolutionary representations can pass as majoritarian, commonplace, and – like *Éric Rohmer's* film – be considered both by critics and the public as historically correct. We are no longer in an age in which different standpoints argue over an event that resists interpretation, but rather one of unquestioned detestation of the event. Since the French Revolution includes what the British call the 'Reign of Terror', and the French simply 'the Terror', not only can it no longer be seen as a historical movement which is redeemable en bloc, but it can in fact be rejected en bloc. The French Revolution is a figure of what is politically intolerable today, as it had already become in 1795.

But is this disgust and rejection based on any reflective and critical stance? One small anecdote makes it possible to doubt this. At the Sorbonne, allegedly the stronghold of Jacobin historians, Michel Vovelle replaced Albert Soboul in 1985. The following year he offered to organize a 'calf's head dinner' for postgraduates on 21 January. This is a traditional republican ritual in which the calf's head represents the head of the king: the people, gathered at a banquet, replay the king's death in carnival mode. Vovelle's proposal met

3 Thus François Furet can write: 'Today the Gulag leads us to reflect afresh on the Terror, by virtue of its identical project', and again: 'Solzhenitsyn's work . . . ineluctably locat[es] the issue of the Gulag at the very core of the revolutionary endeavour.' *Interpreting the French Revolution*, Cambridge: Cambridge University Press, 1978, p. 12.

with an icy reception. For the majority of students, even those enrolled in the Sorbonne's course on the history of the Revolution, it seemed indecent. The merry chuckling of Michel Vovelle was met by an embarrassed and incredulous silence. The calf's head ritual had become non-contemporary, without time being taken to assess it properly. It was impossible now to 'replay' the severed head – that kind of thing was shocking, or troubling at the least. To my mind, this collective banquet belongs to the 'obligatory expression of sentiments',<sup>4</sup> i.e. to 'a broad category of oral expressions of sentiments and emotions with a collective character':

This in no way damages the intensity of these sentiments, quite the contrary . . . but all these collective expressions, which have at the same time a moral value and an obligatory force for the individual and the group, are more than simple manifestations . . . If they have to be told, it is because the whole group understands them. More than simply an expression of one's own sentiments, these are expressed to others, since they have to be expressed in this way. They are expressed to oneself by expressing them to others and for their benefit. This is essentially a matter of symbolism.<sup>5</sup>

This republican symbolism, however, came undone in the 1980s and 1990s. When the bicentennial celebration came round, the question of revolutionary violence returned to disturb some of the certainties that had newly imposed themselves since the Liberation. Until this time, the French had no need to be ashamed of the revolutionary event; they even had to be proud of it – proud of the French republican invention, a counter-model to the Vichy regime, and proud above

4 Marcel Mauss, *Essais de Sociologie*, Paris: Minuit, 1969, p. 88.

5 Ibid.

all of the Declaration of the Rights of Man and of the Citizen, which served as a reference point for the rebirth of international law and the famous Universal Declaration of Human Rights. At the time of the bicentenary of the French Revolution, however, 1789 and 1793 were disassociated, the challenge to the Ancien Régime was separated from the invention of the Republic – and in short, the wheat had been sorted from the chaff. 1789 was celebrated; but 1792, the fall of the monarchy and the invention of the Republic, remained in the shadow of Valmy. As for 1793, the preference was to merge its 'fine anticipations' with those of 1789. The abolition of slavery and the rights to education and public assistance were removed from their context without any investigation of how these irrefutable values were bound up with the Terror. Democracy in France today does not seem to sit well with its foundation. 'At a time when democracy has become the sole perspective of contemporary societies, it is essential for attention to focus on its inaugural moment, 1789, and not on the dark days of 1793', proclaimed Patrice Gueniffey,<sup>6</sup> one of the main current detractors of the Revolution, before going on to ask:

Who would dare today to celebrate the Terror with the frankness of Albert Mathiez, who writes in 1922 that it was 'the red crucible in which the future democracy was elaborated on the accumulated ruins of everything associated with the old order'?<sup>7</sup>

In this vision, subsequent to the bicentenary but in the same spirit, democracy could no longer have anything to do with this 'red crucible'. The possibilities of appropriating the event today are encumbered by a sensitivity

6 Patrice Gueniffey, *La politique de la Terreur. Essai sur la violence révolutionnaire*, Paris: Fayard, 2000, p. 10.

7 Ibid.



to bloodshed, to political death meted out and decided: responsibly assumed.

By this evocation of blood, doubt is introduced as to the value of the revolutionary event. We have seen on magazine covers, and in productions for a wide audience, questions that might formerly have been thought peculiar to inveterate monarchists. 'Was it necessary to kill the king?', asks *Le Nouvel Observateur* in January 1993. 'Would you French television viewers of today have decided to kill the queen?', asks Robert Hossein at the end of his show about Marie-Antoinette. These questions have the value of interesting symptoms.

By applying the Kantian categorical imperative to judge past events, two hundred years after the facts, these questions involve people today in the historical situation of 1793. They have to put themselves in the place of the Convention members who actually had to judge this question, in the place of contemporaries of the event who had to discuss it and decide their political position. This amounts to inventing a mode of historicity that could be called the concatenation of presents, or of situations. Readers are no longer mere inheritors of an event in which they were not protagonists. If they do indeed want to be its heirs, then they are led to play a part in it. In other words, every heir of the republican foundation could be morally included in the category of regicides, or in what the Thermidorians called 'men of blood'. Who today, even among republicans, would assume such a designation? Kant's commentary on the French Revolution is familiar enough:

The revolution of a gifted people which we have seen unfolding in our day may succeed or miscarry; it may be filled with misery and atrocities to the point that a sensible man, were he boldly to hope to execute it successfully the second time, would never resolve to attempt the experiment at such cost – this revolution, I

say, nonetheless finds in the hearts of all spectators (who are not engaged in this game themselves) a wishful participation that borders closely on enthusiasm, the very expression of which is fraught with danger; this sympathy, therefore, can have no other cause than a moral predisposition of the human race.<sup>8</sup>

Moral reverse projection onto the French Revolution, however, ends up making the position of a non-participating spectator impossible. Yet it is the 'play' of the actor – in both the theatrical and historical sense of the term – that is required in Robert Hossein's production. Here, too, spectators cannot remain spectators; they in fact become actors by voting for or against the death of Marie-Antoinette, and in this way collude in a simulacrum of popular consultation that leads to denying one of the very characteristics of the event, namely its irreversible character.

'To suggest putting Louis XVI on trial is a counter-revolutionary idea', Robespierre declared. 'It is making the Revolution itself a subject of litigation.'<sup>9</sup> And putting the king's trial on trial certainly means reopening such litigation; it explicitly means using the faculty of judgement rather than of understanding. The moral mechanism here stands in the way of historical curiosity. The object is no longer to understand the meaning of the death meted out to the man whom Saint-Just described as 'foreign' to humanity and the community. Nor is it to know what such an event succeeded in establishing, in terms of sovereignty. The question, rather, is settled in advance. What is played out here is the figure of *historical evil*, of the inability

8 Immanuel Kant, *The Conflict of the Faculties*, trans. M. J. Gregor, New York: Abaris Books, 1979, p. 153.

9 Robespierre, *Pour le Bonheur et pour la Liberté, Discours*, ed. Yannick Bosc, Florence Gauthier and Sophie Wannich, Paris: Éditions La Fabrique, 2000, p. 194.



to settle political conflicts peacefully – i.e. without inflicting violence on the body, without putting to death. To be a happy heir to the French Revolution means becoming complicit with a historical crime. The event's character as a political laboratory is thus eroded in favour of a moral question. Scholarly historical debate – in the historicist sense of the term – becomes a forbidden zone. The decontextualizing and naturalizing of the sentiment of 'humanity' are made to reign in the eternal present of a moral condemnation.

This replay of the event in the mode of judgement – moral and normative, sensible and emotional, in a context of aestheticization – leads the Revolution to appear insufferable to the very people who, in terms of classic political sociology, are not supposed to be its detractors. From now on the Revolution finds critics not only just on the right of the French political spectrum but also on the left, among the heirs of Jean Jaurès and the Socialist International.

UNDER CROSS-EXAMINATION:  
ARGUMENTS FOR THE PROSECUTION

This new disgust with the French Revolution is inseparable from a 'parallel' constructed with the history of political catastrophes in the twentieth century, and from a related idealization of the present democratic model of politics. It is the impact of this democratic model, which is presented as a culminating point in the process of civilization, that makes possible this charge against the French Revolution. Whereas contemporary democracy protects the individual, the Revolution protected the sovereign people as a political and social group; whereas our democracy institutionalizes a third arbitrating power – the *Conseil constitutionnel* – between the people and their representation, the Revolution gave all power to the elected assembly; whereas democratic conflict is now supposed to be

based on a politics made up of compromise, approximations and calculations, the Revolution dreamed of an absolute politics, illusory and utopian, resting on principles; whereas democratic justice is penal, and restricted by positive law, revolutionary justice is political, resting on social vengeance and the idealism of natural right. Contrasts of this kind, as presented in the arguments of the detractors of the revolutionary political model, could be multiplied *ad libitum*.<sup>10</sup>

Disgust and idealization are thus the two emotional faces of the construction of a Revolution as the *other* to democracy. And the sum total of political and social forms qualified as revolutionary and totalitarian can then be amalgamated in a common rejection.

This confused analogy finds a more precise and radical formulation in certain contemporary philosophical analyses. Giorgio Agamben, in *Homo Sacer*, expresses it in these terms:

The idea of an inner solidarity between democracy and totalitarianism (which here we must, with every caution, advance) is obviously not... a historiographical claim, which would authorize the liquidation and levelling of the enormous differences that characterize their history and their rivalry. Yet this idea must nevertheless be strongly maintained on a historico-philosophical level, since it alone will allow us to orient ourselves in relation to the new realities and unforeseen convergences of the end of the millennium.<sup>11</sup>

10 I have in mind here the works of Marcel Gauchet, *La Révolution des pouvoirs*, Paris: Gallimard, 1995; and Ladan Boroumand, *La Guerre des principes*, Paris: Éditions de l'EHESS, 1999.

11 Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen, Palo Alto, CA: Stanford University Press, 1998, p. 10.

The French Revolution, as the alleged founding moment of our Western democracies, is implicitly targeted by this thesis. The historiographical dimension of this criticism is still more explicit in Agamben's *Means Without End*: '[In] all the declarations of rights from 1789 to the present day . . . the state makes nativity or birth (that is, naked human life) the foundation of its own sovereignty.'<sup>12</sup> And the historical parallel between revolution and totalitarianism is made still more explicit in an article titled 'Qu'est-ce qu'un peuple?', in which Agamben maintains that

starting with the French Revolution, sovereignty is entrusted solely to the people, the *people* become an embarrassing presence, and poverty and exclusion appear for the first time as an intolerable scandal in every sense . . . From this perspective, our time is nothing other than the methodical and implacable attempt to fill the split that divides the people by radically eliminating the people of the excluded.<sup>13</sup>

Since we know that, for Agamben, this absence of division among the people leads to the fantasy of a pure, homogeneous, unified people, as in the Nazi notion of *Volk*, this can only be disturbing. In the end, this philosopher rediscovers the thesis of a theoretical matrix common both to totalitarianism and to the contemporary democracies, which can be analyzed in the founding event that is the French Revolution. This is the theoretical matrix of biopolitics, which he claims is inscribed at the heart of the sovereign power of the revolutionary period.

Michel Foucault had already opposed the pair of

<sup>12</sup> Giorgio Agamben, 'Beyond Human Rights', in *Means Without End: Notes on Politics*, trans. V. Binetti and C. Casarino, Minneapolis: University of Minnesota Press, 2000, p. 20.

<sup>13</sup> Agamben, 'What Is a People?', in *Means Without End*, p. 33.

actions that characterized the sovereign power – 'making die' and 'letting live' – to the pair characterizing what he called biopolitics – 'making live' and 'letting die'. Such a politics, for him, assumed that 'the species and the individual as a simple living body become what is at stake in a society's political strategies'.<sup>14</sup> 'What follows is a kind of bestialization of man achieved through the most sophisticated political techniques . . . and at once it becomes possible both to protect life and to authorize a holocaust.'<sup>15</sup>

This is the point from which Agamben's reflections begin. Far from supporting this opposition between biopolitics and sovereignty, he maintains that both the sovereign exception's practice of 'making die' and the biopolitical practices described by Foucault involve the production of a 'biopolitical body'. This body is then an object of power, corresponding to the other side of the Greek *zoē*, animal life as opposed to *bios*, to political or properly human life inasmuch as this is a life of liberty guided by the idea of a collective good life in the community. For Agamben, 'the exception everywhere becomes the rule . . . right and fact enter into a zone of irreducible indistinction'.<sup>16</sup> The extermination camp is the place par excellence where the biopolitical body is formed, and where the state of exception is the only right.

The end point of this long line of argument is that the question asked about the French Revolution indicates a profound solidarity between democratic and totalitarian regimes, a political foundation at which there is no longer a difference between animal life and political life. But is this at all tenable? Is the French Revolution, and the Terror in particular, part and

<sup>14</sup> Agamben, *Homo Sacer*, p. 3.

<sup>15</sup> Michel Foucault, *Dits et écrits*, vol. 2: 1954–88, Paris: Gallimard, 1994, p. 719; cited by Agamben in *Homo Sacer*, p. 3.

<sup>16</sup> Agamben, *Homo Sacer*, p. 9.

parcel of this zone of irreducible non-differentiation? And if yes, how so? Finally – and this question is fundamental – did the revolutionary effort aim to let this zone of non-differentiation expand without limits, in the way that historians have spoken for example of unbounded suspicion, or did it aim on the contrary to maintain this as a marginal place in the political organization?

This biopolitical body, used to undermine the French Revolution, had also been denounced earlier by Hannah Arendt in her essay *On Revolution*, if without using the new term. The social question and the formulation of a right to existence were in her view the inaugural forms of a politics in which the question of 'life', as she called it (Aristotle's *zōē*, Agamben's 'bare life'), acquired full right in the field of politics, inaugurating a politics of pity. By denouncing social inequality between rich and poor, the revolutionaries, according to Arendt, destroyed the possibility of a politics based not on the principle of equality but rather on that of liberty. For her, in effect, what was at issue in politics was not life but the world. Liberty was a reality of the world that existed in a common space that men inserted themselves into by action and speech. Men are free when they act. For Arendt, the social question led the Revolution to produce men who, instead of being free and citizens, would be equals in the relationship established to material goods, and reduced – just as under the denounced Ancien Régime – to the state of a flock of animals. In this context of arithmetic equalization, no one would seek any more to act on the world, and all that mattered would be to maintain 'the beautiful day of life', as Aristotle put it.<sup>17</sup> Contrary to what was asserted in the Declaration of Rights, they would be

17 [At 1278b in the *Politics*, Aristotle uses the term *euēmeria*, literally 'beautiful day' but variously translated as 'serenity', 'comfort', and 'well-being' – D. F.]

living men who did not manage to rise to the state of citizens.

For Arendt, the question of the blood spilled by the revolutionaries, of cruelty towards the political enemy, was bound up with the entry of the 'unfortunate' onto the stage in 1793–94: 'Pity, seen as the wellspring of virtue, was claimed to possess a higher potential for cruelty than that of cruelty itself.' Arendt cites the most radical of the revolutionaries, 'Out of pity, out of love for humanity, be inhuman', and she continues:

These words are the authentic language of passion, followed by the crude but none the less precise and very widespread justification of the cruelty of pity; the skilled and kindly surgeon uses his cruel and charitable knife to cut off the gangrened limb and thus save the body of the patient.<sup>18</sup>

In this way, the French Revolution becomes an intolerable historical event, one which injures a general present-day sensitivity by offering the archetype of a violence inflicted and assumed on the body of the enemy, and an imaginary of cruelty at once exceptional and unbounded, since it is legitimated in the minds of those who perform it by their sentiment of doing good.

Aversion to the French Revolution combines rejection of a politics of pity that produces political impotence with rejection of a politics of cruelty bound up with the passion for the unfortunate and the exercise of the sovereign exception. As Giorgio Agamben concludes:

until a completely new politics . . . no longer founded on the *exceptio* of bare life – is at hand . . . the 'beautiful day' of life will be given citizenship only either

18 Hannah Arendt, *On Revolution*, Harmondsworth: Penguin, 1990, pp. 79–80.

through blood and death or in the perfect senselessness to which the society of the spectacle condemns it.<sup>19</sup>

These theoretical issues offer a further step towards understanding how aversion for the Republic can draw in the whole of the socio-political spectrum. It is no longer simply with respect to the supposed perfection of the present democratic model that the Revolution is intolerable, but also with respect to what the articulation of its legacy – modern sovereignty – and its inventiveness – the project of a just and happy society – have supposedly produced: political impotence.

In order to reopen these debates, it is necessary to return to the archives, to the nitty-gritty of the revolutionary political and philosophical project. A return to certain key moments of what is customarily known as the revolutionary dynamic will make it possible to cast a new light on the political and historical link between liberty, sovereignty and equality, and to offer a new interpretation.

#### EXPPELLING DREAD: NEW QUESTIONS ABOUT THE TERROR

'But what can have struck men so greatly that they kill their own kind, not with the amoral and unreflective act of the semi-animal barbarian who follows his instincts without knowing anything else, but under an impulse of conscious life, as creator of cultural forms?'<sup>20</sup>

This question was formulated in order to try to raise the veil over the mystery of rituals of sacrifice, and it is tempting to apply it to the period of the Terror.

In fact, this explicitly anthropological approach makes it possible to take a distance from any a priori judgement on the Terror, and to associate three terms

<sup>19</sup> Agamben, *Homo Sacer*, p. 11.

<sup>20</sup> I take this question from Adolphe Jensen, *Mythes et coutumes des peuples primitifs*, Paris: Payot, 1954, pp. 206–207.

that today have become unpronounceable together: 'terror', 'culture', and 'impulse of creative life'. Such an inquiry will reopen the dossier on a cause that seems to be satisfactorily understood and closed – that of the reasons for the violence of the Terror. Rejecting the other, more implicit anthropology, which fuels the dominant historical discourse and steers it towards notions of impulses, barbarism and instinct, of the deadly tendency bound up with a 'rigourism of virtue',<sup>21</sup> we might hope to resolve the question of foundational violence.<sup>22</sup>

If it is nothing new to analyze the Terror in terms of foundational violence, this very idea of *foundation* is always bound up with the struggle against the Ancien Régime and is never made any more specific.<sup>23</sup> A violence of this kind, however, can be rehabilitated without considering it as directed specifically against the Ancien Régime. Various religious rituals commemorate times of foundation and symbolically handle the risks of violence bound up with a moment that combines the destruction and the construction of social ties, risks that can indeed lead to the demise of

<sup>21</sup> An expression that serves as the subject of Françoise Brunel's article 'Le jacobinisme, un "rigorisme de la vertu"?' in *Mélanges offerts à Michel Vovelle. Sur la Révolution, approches plurielles*, Paris: Société des Études Robespierriistes, 1997, pp. 271–80, where she criticizes among other things the psychoanalytic approach of Jacques André in *La Révolution fratricide. Essai de psychanalyse du lien social*, Paris: PUF, 1993.

<sup>22</sup> The question is indeed to rediscover and give new legitimacy to the object that Colin Lucas particularly focused on in his intervention at the Stanford conference on terror, 'Revolutionary Violence, the People and the Terror', which can be found in K. M. Baker (ed.), *The French Revolution and the Creation of Modern Political Cultures, vol. 4: The Terror*, Oxford: Pergamon Press, 1994, pp. 57–80.

<sup>23</sup> The article on 'Terror' in the *Dictionnaire historique de la Révolution française*, for example, states that 'the Terror was initially an effort to limit and define the legal field conceded to the foundational violence of the revolution against the Ancien Régime... this violence proved its salvation'; article by Claude Mazauric, Paris: PUF, 1989, p. 1024.



the community. It is these same risks that make it possible to understand and analyze the Terror as foundation. This very exercise, however, is not without its risks.

The first of these is to view the Terror as a resurgence of primitivism. Yet political anthropologists' use of the primitive society/modern society opposition does not seem to me an adequate response.<sup>24</sup> Drawing on the investigations of anthropologists cannot today lead to negating a society's historicity. Founding is not a primitive act, though we can hypothesize that there are anthropological analogies in the act of foundation – whether this occurs in the fifth, the eighteenth or the twentieth century. It is also worth recalling here that eighteenth-century anthropology did not merely distinguish between primitive and modern peoples, but also between free peoples and slave peoples; yet 'primitive' does not coincide with 'slave', nor 'modern' with 'free'. History was then often seen as a procedure of denaturing that led free peoples into slavery – thus adding to the critique of the 'primitive society/modern society' dichotomy.

The second risk is to propose an analysis in 'theologico-political' terms. One approach of this kind has already been radically criticized.<sup>25</sup> The particular 'theologico-political' in question here is one that posited the power of religious principles, and Catholicism in particular, in order to interpret such secular revolutionary notions as 'virtue'. Michel Vovelle emphasized the path taken towards secularism by the French revolutionaries, as opposed to the English revolutionaries who had still needed the

24 Cf. in particular Marc Abélès and Henri-Pierre Jeudy, *Anthropologie du politique*, Paris: Armand Colin, 1997. These authors maintain in their introduction: 'Essentially, anthropology can completely dispense with the notion of modernity' (p. 17).

25 Brunel, 'La jacobinisme, un "rigorisme de la vertu"?'

Bible in order to act.<sup>26</sup> It is true that the question of a sacred bond was far from absent from the revolutionaries' concerns. To 're-bind' (*reliigare*) men by sacred bonds was an important aspect of the revolutionary project of year II. But the question of foundation is not a theologico-political one. The notion of a 'transfer of sacredness', proposed by Mona Ozouf in order to explain the investment of a secular political sphere by people who were familiar with the imbrication of religious and political power, muddied the waters.<sup>27</sup> The invention of a new sacred sphere, in fact, does not presuppose shifting the symbolic and emotional investments of religion towards politics, but rather of adding the two together by offering individuals a different site for their desires for community. Civic religion is another possible way of combining people. If this seemed necessary to the revolutionaries, it was not exclusive. The question, then, is to grasp what political sacrality, as foundation of a circulation of emotions, led to the violence of the Terror in the build-up to year II.<sup>28</sup>

I have chosen here the paradigm of emotions, and not, as might have been expected for the eighteenth century, that of passions or moral sentiments. Despite not being contemporary with the Revolution, the notion of emotion has the advantage of highlighting an 'upsurge' that combines a state of the body and a judgement,<sup>29</sup> i.e. feeling and judging at

26 Michel Vovelle, particularly in *La Mentalité révolutionnaire. Société et mentalités sous la révolution française*, Paris: Éditions Sociales, 1985.

27 Mona Ozouf's expression deserves also to be applied empirically: if there is a transfer of sacrality, what mechanisms does this involve?

28 Bronislaw Baczko, in his contribution 'The Terror Before the Terror?', emphasized the fact that under Thermidor, as again in today's historiography, 'there is no consensus on a date or event that would symbolize the beginning of the terror'; in Baker (ed.), *The Terror*, p. 22.

29 Cf. in particular, Patricia Paperman and Ruwen Ogien (eds) *La*

the same time. This was indeed what the protagonists of the Terror expected of a good revolutionary. Saint-Just, when depicting the events of 26 Germinal of year II, proposed a combination of mind and heart:

The man of revolution is merciless to the bad, but he is sensitive, he pursues the guilty in the tribunals and defends innocence, he speaks the truth so that it will instruct, and not so that it offends . . . His probity is not a delicacy of spirit but a quality of the heart. Honour the mind but base yourselves on the heart.<sup>30</sup>

Besides, approaching the Terror from the side of the emotions makes it possible to distinguish between the violence triggered by the circulation of discourse,<sup>31</sup> and that triggered by the rupture of a conscious or unconscious sacred equilibrium. Patrice Gueniffey, borrowing the concept of a 'cumulative radicalization of discourse' from Hans Mommsen, who coined it in relation to National Socialism, maintains:

As soon as it is formulated, any definition of the Revolution is exposed to the competition of other definitions that deepen its nature and radicalize its objectives. In this lies the motor of that revolutionary dynamic which, escalating in the definition of ends and the choice of means, leads inexorably to violence by way of a process of cumulative radicalization of discourse.<sup>32</sup>

*couleur des pensées, sentiments, émotions, intentions*, Paris: EHESS, 1995.

30 *Archives parlementaires*, vol. 88, p. 615.

31 What Jean-Pierre Faye called 'the blow of discourse within a narrative economy' in *Langages totalitaires. Critique de la raison de l'économie narrative*, Paris: Hermann, 1972.

32 Gueniffey, *La Politique de la Terreur*, p. 230.

Far, however, from viewing the Terror as based on this kind of dynamic of narrative economy which aimed at the liquidation of an enemy to be overthrown, I shall put forward the hypothesis of a founding dynamic of emotional economy, one that arises from the sacred and from vengeance.<sup>33</sup> In this context, the revolutionaries had both to understand the risks of violence and dislocation of society bound up with the rapid circulation of emotions, and to control these by the symbolic activity of which discourse is part – in particular, the discourse of law.

What put the Terror on the agenda, as we know, was a new declaratory turn. Faced with the intent of the counter-revolutionaries to terrorize the patriots, the latter replied: 'Let us be terrible.'<sup>34</sup> This turn has been interpreted in terms of a 'terror-response'.<sup>35</sup> Both of these combined terms are suggestive, as it was

33 For this definition of vengeance as a foundational institution, see Pierre Bonte and Michel Izard (eds), *Dictionnaire de l'ethnologie et de l'anthropologie*, Paris: PUF, 1992, p. 738. As opposed to Arno Mayer in *The Furies* (Princeton: Princeton University Press, 2001), I do not disassociate analysis of vengeance and the sacred, and take seriously the idea of vengeance as a public institution rather than an individual passion. This notion of vengeance is therefore not analyzed as a vicious circle, but rather as the possibility of a virtuous institution. On Mayer's book, see *French Historical Studies*, vol. 24, no. 4 (2001), which was devoted to it, and where, among other contributions, there are interesting points of view from Tim Tackett and David Bell.

34 A rigorous description of this declaratory turn has been conducted by Jacques Guilhaumou in his article 'La terreur à l'ordre du jour (juillet 1793–mars 1794)', *Dictionnaire des usages sociopolitiques (1770–1815). Fascicule 2: Notions, concepts*, Paris: Klincksieck Inalff, 1987, pp. 127–60.

35 Mona Ozouf, 'Guerre et Terreur dans le discours révolutionnaire', *L'École de la France*, Paris: Gallimard, 1984, pp. 109–27. We might very well just use the term used repeatedly by the revolutionaries of a terror-vengeance, since we know that vengeance often includes a demand for reparatory equality, adding however that this demand may also be more absolute when the question is to avenge the dead or the integrity and dignity of man as this is instituted by a particular culture.



precisely a question of response, in the sense of finding a new voice after a sense of annihilation. Response is not like a simple rebound in which the ball is sent back across the net: it is rather a question of a resumption, in the sense in which a subject recovers and thus takes 'the initiative of terror'.<sup>36</sup> And the notion of emotional economy strikes me as particularly pertinent for analyzing the modalities of this resumption, since this return or resumption can be described not as a mere shift in utterance, but rather as a shift in emotions, from 'being terrorized' to 'being in anger' and 'being terrifying' – or more precisely, as a transcending of 'agitation' (*émoi*). This French word *émoi* derives from the earlier *esmayeur*, meaning 'to disturb, frighten, deprive someone of their strength, discourage'. This verb also means to take someone out of themselves by casting a spell. *Émoi* is therefore a generic figure of fright, and thus deadly. Far from presupposing an immediate response, it implies for those who feel it a high risk of demise.

The question, 'How was Terror put on the agenda?' should thus be replaced by the question, 'How was the dread instilled in the revolutionaries by their enemies overcome and transformed into the demand for terror?' And beyond this, how was this demand was understood and accepted? And finally, what did the Terror found, or seek to found?

<sup>36</sup> This is the expression found in the documentary record.

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## THE EMOTIONS IN THE DEMAND FOR TERROR

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### SUBLIME DREAD: WELLSPRING OF THE SACRED

In the summer of 1793, the death of Marat aroused a feeling of dread in the people of Paris. This dread was initially sublimated in the form taken by Marat's funeral ceremony, before being turned into a popular demand for vengeance and terror.<sup>1</sup> Around Marat's corpse, which represented the injured people and the Declaration of the Rights of Man and of the Citizen, feelings of affliction and grief were transformed into enthusiasm. Spectators of the event moved from a palpable sense of discouragement to a feeling of enthusiasm towards 'the spirit of Marat'. His burial was accompanied by the declaration that 'Marat is not dead'. This proclaimed that the Revolution had not been destroyed, and would not be so. It then became possible to demand vengeance, and put terror on the agenda. This movement, which Jacques Guilhaumou describes in terms of the aesthetics of politics,<sup>2</sup> involved not simply the dis-

<sup>1</sup> Jacques Guilhaumou, *La Mort de Marat*, Brussels: Complexe, 1989.

<sup>2</sup> On aesthetics and politics, compare the works of Jacques Guilhaumou that relate Kantian aesthetics and the revolutionary process. For an analysis of the death of Marat in this light, see the very

position of bodies, the circulation of emotions and sentiments that inspired them, but also, as I see it, the relationship established to a sacred object.

In fact, if the bloodied body of Marat produced such disarray, it was because, by embodying the Declaration of the Rights of Man and of the Citizen, this was a sacred body, and its assassination a severe profanation. The question then was to re-establish the aura of sacredness around Marat's decomposing body, which the funeral ceremony did by transposing sentiments from the body to the 'spirit', from the embodied meaning to the symbolized meaning of 'Marat'. We could say, in the language of the Revolution, that this ceremony secured public safety by re-establishing the power of enthusiasm for right, in place of the affliction felt towards the dead body. Because the body was sacred, its death produced dread; but because this sacredness was based on a text proclaimed under the auspices of the Supreme Being, it could become a point of support for regaining the initiative.

(I use the notion of 'sacred' here without giving it a precise prior meaning. The composite definition given by anthropology, in fact, allows us to avoid fixing it in a single denotation, and in this way to introduce different aspects of it that are pertinent to the revolutionary period. Durkheim's analytic definition, according to which the sacred is what is protected by prohibitions, seems essential to me in order to conceive the question

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clear presentation 'Fragment d'une esthétique de l'événement révolutionnaire', in Gilles Suron, Andrej Turowski and Sophie Wahnich (eds), *L'Art et le discours face à la Révolution*, Dijon: EUD, 1997; as well as 'Un changement du souveraineté et de sensibilité', in *L'avènement des porte-parole de la république, 1789-1792*, Villeneuve d'Ascq: Presses Universitaires du Septentrion, 1998, pp. 249-53. Also Jacques Rancière, *Disagreement: Politics and Philosophy*, trans. Julie Rose, Minneapolis: University of Minnesota Press, 1999; and *The Politics of Aesthetics: The Distribution of the Sensible*, trans. Gabriel Rockhill, London: Continuum, 2004.

of the boundary that if crossed makes someone an enemy, or the boundary to be re-established so as to avoid being destroyed by boundless dread. But the sacred in the sense of Hubert and Mauss, a transcendent reality that can be experienced, is also useful to grasp experiences such as funeral ceremonies. When this transcendence is nothing other than the society itself, and the sacred/profane opposition is combined with that of society/individual, this sacred can be given the name of 'value', as it is with Louis Dumont. We are then very close to the situation in the Revolution, where the sacred was essentially immanent.)

With the death of Marat, therefore, it was the transaction between sacred body and sacred text that made it possible to resist the enemies of the Revolution and to sublimate dread. This type of transaction recurs throughout the revolutionary period. It arises time and again whenever public safety is at stake, which is another way of saying, whenever dread risks dissolving the revolutionary social and political bond.

The notion of public safety runs right through the Revolution, and gives a name to a situation of extremity in which the safety of the people is the supreme law. Since this supreme law finds its theoretical foundation in the body of rules of natural right, its evocation serves to produce, around dread, the aura of the sacredness of right.<sup>3</sup> But appealing to the sacred is not sufficient for public safety; it has also to be enacted. And enacting it always means engaging bodies to rescue right as the condition of liberty. Formulas such as 'liberty or death' have to be understood literally: they express a transaction that passes via the sacrifice of the body. The first oaths of the National Guard are quite explicit on this point. That taken in 1789 by the *fédérés* of the Guerche ran:

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3 On this question of natural right, see Florence Gauthier, *Triomphe et mort du droit naturel en Révolution*, Paris: PUF, 1992.

We, military citizens of the towns and countryside that form the district of the Guerche, swear on our arms and our honour to be loyal to the nation, the laws, and the king . . . to maintain the constitution with all our power, to be ever united in the closest friendship, to assemble at the first sign of common danger, to support one another and our brother *fédérés* on every occasion, to die if need be in order to defend liberty, the first right of man, and the sole foundation of the happiness of nations, and to regard as irreconcilable enemies of God, nature and man those who seek to undermine our rights and our liberty.<sup>4</sup>

From 1789 on, therefore, these oaths inscribed the definitions of friend and enemy in the order of the sacred. This enemy is irreconcilable because he infringes the sacred order, in which God, nature and men are very clearly associated. It was by affirming their determination to die to defend the laws and rights of the French that the *fédérés* considered themselves defending a sacred order. Each time that dread surged up, the question for the people was to save themselves by committing themselves in a sacred fashion, what could be called 'body and soul'.

This same will to commitment is evident in the many addresses and petitions drawn up by the popular societies in May and June 1792, demanding a declaration that 'the *patrie* is in danger'. The word *patrie* made it possible to name the place of liberty and laws. Saint-Just thus asserted: 'Where there are no laws, there is no longer a *patrie*.'<sup>5</sup> To 'die for the laws', then, became 'to die for the endangered *patrie*'. Addresses, deputations and petitions, which

4 Arch. Nat., série C, carton 118, Creuse.

5 L.A. de Saint-Just, 'Esprit de la Révolution et de la Constitution, 1791', in *Œuvres complètes*, ed. Michèle Duval, Paris: Champ Libre, 1984, pp. 338–9.

expressed public opinion and transformed diffuse rumour into political assertion, declared that the 'dread' provoked not only by war but also by the treason of the king – and in particular his perjury, which was likewise a profanation of sacred rule – had to be countered. For example:

A large number of citizens from the Luxembourg section cannot regard without dread the terrible situation in which the French empire now stands. The enemy is at the gates. Fanatics are conspiring within. The seditious, writhing in all directions, are profiting from all possible circumstances to achieve the terrible work they have been plotting for a long time. The king swore to be the father, the support of all the French, and he is exposing them to destruction.<sup>6</sup>

The transition from dread to defensive action ran by way of implementing the proclamation that 'the *patrie* is in danger'.<sup>7</sup> What was involved here was the opening of the National Guard to 'passive citizens', and the possibility for each person to participate in this sacred transaction – to offer their body to rescue the people and the Revolution, to save right.

Response thus presupposes the wellspring of the sacred produced by the relationship between the event and the Declaration of Rights, a relationship committing the bodies of the revolutionary actors, ready to die in order to save the revolutionary project because this was identified with the Declaration of the Rights of

6 *Archives parlementaires*, vol. 45, p. 352 (19 June 1792).

7 The emphasis is mine. On the function of this statement, see S. Wahnich, 'De l'émotion souveraine à l'acte de discours souverain, la patrie en danger', in *Mélanges offerts à Michel Vovelle*, Paris: Société des études Robespierristes, 1997. See also Jacques Comaille, Laurence Dumoulin and Cécile Robert, 'Produire les normes en Révolution', *Droit et société 7: La juridicisation du politique*, Paris: Maison des Science de l'Homme et Réseau Européen Droit et Société, 2000.

Man and of the Citizen. This is why the notion of *vengeance*, one of the modalities of expression of resentment towards enemies, and likewise that of *punishment*, always come up when public safety is at stake. On 12 August 1793, for example, when Royer demanded the raising of 'the terrible mass of sans-culottes', Danton replied:

The deputies of the primary assemblies have come to exercise among us the initiative of terror against domestic enemies. Let us respond to their wishes. No amnesty for any traitor. The just man does not show mercy to the evil. Let us signal popular vengeance on the conspirators within by the sword of the law.<sup>8</sup>

The demand for terror was inseparable from the *levée en masse* demanded by Royer. As for the revolutionary army,<sup>9</sup> as a popular army it was the site par excellence of the transaction between the sacred body of the patriot, the law that was sacred by definition, and the sacred body of the impure enemy. On 5 September 1793, an exchange between the movers of the address drafted by Hébert and Royer and the president of the Assembly, who was none other than Robespierre, displayed this immediate relationship of the citizens to the exercise of sovereignty, as both a military exercise and an exercise of justice:

It is time that equality waved its scythe over all heads.  
It is time to terrify all conspirators. Very well, then, legislators, put terror on the agenda. Let us be in revolution, since our enemies hatch counter-revolution

8 *Le Moniteur universel*, vol. 17, pp. 387–8; reprinted Paris: Plon, 1947.

9 This revolutionary army should not be confused with the regular armies: accompanied by a 'holy' guillotine, it was to give force to the law, struggle against embezzlers and supply the armies.

everywhere. Let the sword of the law hover over all the guilty. We demand the establishment of a revolutionary army, divided into several sections, each followed by a fearsome tribunal and the terrible instrument of the vengeance of the laws.

Robespierre then replied to the delegation: 'Citizens, it is the people who have made the revolution, and it is up to you to ensure the execution of the prompt measures needed to save the *patrie* . . .'<sup>10</sup>

To demand that terror be placed on the agenda meant demanding a politics aimed at constantly renewing this sacred character of the laws, permanently reaffirming the normative value of the Declaration of Rights, demanding vengeance and punishment for the enemies of the *patrie*. The slogan '*patrie en danger*' and the watchword 'terror' were launched by the people. Sovereign emotions coined sovereign slogans, with terror perhaps being seen as 'one of the modalities by which the popular appropriation of sovereignty is effected'.<sup>11</sup> Citizens asserted their sovereignty by demanding to be the first agents of public safety.

Far from being signs of a death-dealing tendency, these demands were the sign of a movement of life and enthusiasm.<sup>12</sup> They transmuted the dissolving emotions produced throughout the social body by acts of profanation into emotions that gave new courage. Thus, on the revolutionary *journée* of 20 June 1792, the faubourg Saint-Antoine came en masse to

10 *Le Moniteur universel*, vol. 17, p. 526.

11 Guéniffey, *La politique de la Terreur*, p. 197.

12 The description of this tendency is often taken from Hegel: 'The sole work and deed of universal freedom is therefore death, a death too which has no inner significance or filling, for what is negated is the empty point of the absolutely free self. It is thus the coldest and meanest of all deaths, with no more significance than cutting off a head of cabbage or swallowing a mouthful of water.' See *Phenomenology of Spirit*, trans. A. V. Miller, Oxford: Oxford University Press, 1977, para. 590.

the Tuileries, exchanged toasts with the king and made him wear the red cap of liberty. It was a symbolic victory of little substance, since even so the king did not ratify the decrees that aimed at the defence of Paris and its revolutionary gains – decrees that he had already vetoed.<sup>13</sup> But this *journée* was also when the faubourg explicitly demanded that the Assembly should declare the *patrie* to be in danger. Santerre, in his speech to the Assembly, reaffirmed this ability to regain the energy of liberty in action when what was sacred was in danger:

Do the enemies of the *patrie* imagine that the men of 14 July have gone to sleep? If they appeared to be so, their awakening is terrible. They have lost nothing of their energy. The immortal Declaration of the Rights of Man is too deeply engraved in their hearts. This precious treasure will be defended by them, and nothing will be capable of stealing it from them.<sup>14</sup>

In order to understand the emotional economy of the demand for terror, we do not have to ask whether the obsession with plots was really well-founded, and how the revolutionary sacrality that had been produced was being flouted. What effectively instilled dread was this rupture of the sacred.

It remains to be understood how this movement of enthusiasm that demanded vengeance did not produce a 'fury of destruction'<sup>15</sup> in the sense of a generalized massacre, but led to the establishment of a specific mechanism that aimed on the contrary to pacify it.

<sup>13</sup> These were the decree on refractory priests, and the decree of the encampment of 20,000 men to defend Paris.

<sup>14</sup> *Archives parlementaires*, vol. 45, p. 417 (20 June 1792).

<sup>15</sup> This is indeed Hegel's expression; see *Phenomenology of Spirit*, para. 589.

THE ASSEMBLY MUST TRANSLATE THE  
EMOTIONS OF THE SOVEREIGN PEOPLE

The revolutionaries were aware of the volcanic character of popular emotions. In June 1792, the question of insurrection was debated at the Jacobin club. Jean Bon Saint-André contrasted 'the insurrection of a people of slaves that is accompanied by every horror' with 'that of a free people', which was 'simply the expression subject to the general will to change or modify certain articles of the Constitution'.<sup>16</sup> This argument aimed to avoid attaching to the idea of insurrection 'that of revolt and carnage'.<sup>17</sup> A poem sent by citizen Desforges in spring 1792 is particularly eloquent in this respect:

And in the great theatre where fate has placed us,  
liberty means life and licence death.  
Licence dares everything with no thought  
to the custom of sovereign laws or a wise liberty;  
'free' is the word for a man, not for a raging beast.  
There are, my friends, imperious rights  
and eternal laws that must not be infringed.  
If we flouted these we would have too much to fear  
from the whole world, as history can witness.  
The first of these rights is the first need,  
ever arising anew, that each has for the other.  
Rescue my good and I shall rescue yours,  
and I shall impose on myself the respectable law  
of daring all for the man that risks all for me.  
Then you can understand how, at a moment of crisis,  
a whole people is kindled and electrified . . .<sup>18</sup>

<sup>16</sup> Société des Jacobins, 19 June 1792. Alphonse Aulard (ed.), *La Société des Jacobins. Recueil de documents pour l'étude de la Société des Jacobins*, vol. 4, Paris: Librairie Jouaust, Librairie Noblet & Maison Quantin, 1892, p. 19.

<sup>17</sup> *Ibid.*

<sup>18</sup> Arch. Nat., série C150, L253, p. 2.



It is mutual aid, then, that gives legitimate insurrection its value, over against a generalized massacre committed by the 'furious' who are outside the laws and devoid of political value. Those who brought the word of the people to the Assembly were no less aware of this. When they demanded that the *patrie* be declared in danger, they mentioned this problem quite explicitly. In an address of the Marseillais on 19 June 1792, for example: 'Popular force makes for all your force; you have it in your grasp, use it. Too long a constraint would weaken it or lose it.'<sup>19</sup> And in Santerre's speech of 20 June 1792:

The people have stood up, ready to avenge their outraged national majesty. These rigorous measures are justified by article 2 of the Rights of Man: 'Resistance to oppression'. What misfortune, however, for the free men who have handed you all your powers to see themselves reduced to drenching their hands in the blood of the conspirators!

...  
Shall the people be forced to return to the time of 13 July, to themselves take up the sword of the law and avenge with one blow the outraged law, to punish the guilty and the cowardly depositaries of this very law? No, gentlemen – you see our concerns and alarms, and you will dissipate them.<sup>20</sup>

The means for dissipating these fears lay in giving popular enthusiasm a normative symbolic form. It was explicitly demanded that the sovereign emotive power of the people, so that it should not turn destructive, be translated into terms of law. These emotions, from pain through to rage, had therefore to be deposited by the people in the hands of the legislators, in the sacred

<sup>19</sup> *Archives parlementaires*, vol. 45, p. 397.

<sup>20</sup> *Ibid.*, p. 417.

precincts of the Assembly, and to find their place there: 'It is in your breast that the French people deposits its alarms, and that it hopes at last to find the remedy for its ills . . . We have deposited in your breast a great pain . . .' The legislators had first of all to listen to the political pain of the people, to understand that this pain, if overcome, could produce anger, and then to re-translate this into the symbolic order so as to channel it. 'Legislators, you will not refuse the authorization of the law to those ready to go and die to defend it.'<sup>21</sup>

Confronted with popular emotions, therefore, the legislators, as free and sensitive men, had to become good translators of the voice of the people. And this had already found its expression, symbolized by such spokesmen as Santerre. But the intersubjectivity that was anticipated relied not on an argument to be rationally debated, but rather on a sensibility to be shared. The heart had to be touched more than the mind.

For a long time we have comforted our ulcerated hearts. We hope that the latest cry we address to you will make your own heart feel. The people have stood up, they await in silence a response that is finally worthy of their sovereignty.<sup>22</sup>

The role of legislators in the process of pacification was therefore fundamental. They had to effect the translation of emotions into laws, into what a number of addresses termed the 'sanctuary of the laws', a sacred place in which men came together to make and guard laws. They thus gave a legal form to emotions, and above all invented the symbolic forms and practices that would permit enthusiasm to be contained. The spokesmen themselves invented a pacifying gesture. On 19 June, a deputation asked to be received with its

<sup>21</sup> *Ibid.*, p. 397 (19 June 1792).

<sup>22</sup> *Ibid.*, p. 417.



weapons, after planting a liberty tree. They then did a few dance steps in the Assembly precinct, to the sound of a drum: we can speak of a ritual of pacification. But the issues were focused in the reception of the emotions expressed in the addresses, petitions and deputations that spoke for the people. The petition of 20 June divided the Assembly: the right called the Marseillais and the faubourg Saint-Antoine 'factious', whereas the left reasserted the need to translate popular emotions into the order of the law. Lamarque:

Coblentz says that enthusiastic patriots are factious. Gentlemen, the only true patriots are enthusiastic ones . . . I pride myself on being one of these factious. You will ask if I am referring to the petition of pikes? Yes, gentlemen. I speak of the decrees of the National Assembly; I speak of the law; I speak of the countless number of petitions that you hear each day at the tribune, and that proclaim without ambiguity the wish of the nation.<sup>23</sup>

To demand in June 1792 that the *patrie* be declared in danger meant demanding carnage and fury, so as to forestall the possibility of frenzy: a pacification by means of a decree that reflected quite precisely a love of the laws; the recognition of popular sovereignty, the opening of the National Guard to 'passive' citizens, and the right to legitimate violence on the part of all citizens of the male sex.<sup>24</sup>

Jean de Bry, a legislator of the left, in his report of 30 June 1792, replied both to the people who wanted

23 Ibid., p. 435 (21 June 1792).

24 Under the 1791 constitution, 'passive' citizens were those who paid less than three livres in tax, along with women and children. Putting an end to passive citizenship meant essentially ending any regime based on assets, and opening the National Guard to young people and the popular classes. Women and girls could still not join this new National Guard.

the *patrie* to be proclaimed in danger, and to the right of the Assembly that incriminated the same people for having dared to enter the king's residence on 20 June. He asserted that, if the *patrie* had to be declared in danger, it was up to the Assembly to do so in order to produce order. The nation had to be 'a well-disciplined body that, without consuming itself in useless movements, calmly awaits the order of a leader in order to act. The nation will march if need be, but it will march together and regularly.'<sup>25</sup> Sovereign power, therefore, was not truly settled on the side of the people, who could simply be instrumentalized when necessity demanded: 'Convinced that by reserving for itself the right to declare the danger', the Assembly 'puts off the moment and calls for calm in the minds of good citizens. The formula to utter will be: "Citizens, the *patrie* is in danger".'<sup>26</sup>

The same preoccupation with order can be seen with Danton on 12 August 1793: 'Let us know how to take advantage of this memorable day. You have been told that a *levée en masse* is needed. Yes, to be sure, but this must be done with order.'<sup>27</sup> Order so as to avoid carnage; order as a means to control the sovereign power.

But between spring 1792 and summer 1793, the hypothesis of an Assembly, supposedly representing the sovereign people but by its inaction forcing free men to 'drench their hands in the blood of conspirators', had become actual experience with the September massacres.

25 *Archives parlementaires*, vol. 45, p. 707.

26 Ibid.

27 *Le Moniteur universel*, vol. 17, pp. 387-8 (12 August 1793).