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## Terror and the Revolutionary Tribunals

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Many of the myths that haunt our understanding of the French Terror of 1793-1795 are ripe for revision.<sup>1</sup> Myth number one is the purported exceptional violence of the French Revolution and of the ubiquity of terror as an instrument of repression and political transformation. Hannah Arendt, famously, contrasted a relatively peaceful American Revolution with an extremely violent French one. This French *penchant* for mixing politics with blood was explained, she suggested, by the greater social inequalities to be found in Old Regime France than in the burgeoning commercial nation of England and in the young British colonies in North America. In France, as a consequence, democracy came with a tragic imperative to produce greater socio-economic equality, an imperative from which the Americans were blissfully exempt. The social imperative in France resulted in the repressive class warfare of the Year II—in sum the Terror.<sup>2</sup>

We now know that the purportedly greater violence of the French Revolution, compared to earlier European revolutions (1642-1660; 1688) and earlier and succeeding civil wars is an illusion. England, of course, was the first among the European nations to put a sovereign on trial and to execute him.<sup>3</sup> The English 'Glorious Revolution' of 1688 was far more violent, especially in Ireland, than has been previously appreciated.<sup>4</sup> The total casualties of the American revolutionary war (1775-1783) were 1.25 percent of the population of the North American colonies in 1780. The American Civil War (1860-65)

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<sup>1</sup> See Jean-Clément Martin, *La Terreur. Verités et légendes* (Paris: Perrin, 2017) for a learned synthesis of recent efforts to debunk numerous exaggerated claims about the political history of the Terror. While my views differ from Martin's on numerous points, this essay embraces the spirit of his, and other revisionist efforts to bring greater empirical rigor to the study of the political crisis of the Year II.

<sup>2</sup> Hannah Arendt, *On Revolution* (New York: Penguin Books, 1985; original ed., 1963).

<sup>3</sup> Michael Walzer, *Regicide and Revolution* (New York: Columbia University Press, 1992). See also, Annie Jourdan, "Les discours de la terreur à l'époque révolutionnaire (1776-1789: Étude comparative sur une notion ambiguë," *French Historical Studies* 36:1 (2013), pp. 51-81, and Annie Jourdan, *La Révolution, une exception française ?* (Paris: Flammarion, 2004), especially part two.

<sup>4</sup> Steven Pincus, *1688: The First Modern Revolution* (New Haven: Yale University Press, 2009), pp. 254-277.

left a slightly higher proportion of casualties.<sup>5</sup> Though no accurate figures are available, and estimates vary widely, a reasonable approximation of *combined* military and civilian casualties from the French revolutionary wars, of the first coalition (1792-97) and the civil wars of the Year II (1793-94) together, reached about 350,000 (Terror, 50,000; Vendée, 100,000; First Coalition, 200,000), or about 1.3 percent of the French population (26,000,000).<sup>6</sup> In other words, the percentage of the population killed during the American Revolution was, conservatively, about the same as during the French Revolution. Moreover, there is ample qualitative evidence of widespread vigilante justice during the American conflict, including the use of terrorist tactics such as the targeting of civilians, the destruction and appropriation of property, lynching, symbolic bodily mutilation, and rape.<sup>7</sup> The French Revolution was, it is now clear, *quantitatively*, a no more—and probably a significantly less—violent affair than its sister revolution across the Atlantic.

The illusion of greater violence in revolutionary France, however, was, and is, not accidental, nor is it simply a prejudice of the Revolution's enemies and detractors. It was an illusion that was consciously created by the French revolutionaries themselves. The

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<sup>5</sup> Howard H. Peckman, ed., *The Toll of Independence: Engagements and Battle Casualties of the American Revolution* (Chicago: University of Chicago Press, 1974), pp. 132-133.

<sup>6</sup> None of the major studies of the French Revolutionary Wars (Richard Cobb, T.C. Blanning, Paul Bertaud, etc.) provide estimates of casualties, civilian or military. Geoffrey Ellis, *The Napoleonic Empire*, 2<sup>nd</sup> ed. (London: Macmillan Education, 1991; New York: Palgrave Macmillan, 2003) offers an estimate for the revolutionary and Napoleonic wars combined, but the only (highly flawed) attempt to arrive at a figure for the wars of the First Coalition is, Jacques Houdaille, "Les Armées de la Révolution d'après les registres matricules," *Population*, vol. 38, no. 4/5 (July-October, 1983), pp. 842-849. Houdaille give the figure of 450,000, but his estimate is without question inflated and includes the terror and the civil war in the Vendée; For the most recent estimates of casualties in the Vendée, see, Howard Brown, review of *A French Genocide: The Vendée*, by Reynald Secher, *The Journal of Modern History* 77:3 (September 2005): pp. 806-07. Brown says that the most recent figures for the Vendée are about 165,000, but his date range is inclusive from 1792-1805. See Jean-Clément Martin, Martin, *La Terreur. Verités et légendes* (Paris: Perrin, 2017), pp. 191-203; Martin's estimates are based upon the work of René Sédillot, *La Coût de la Révolution française* (Paris: Perrin, 1987), and differ somewhat from mine because they are not strictly limited to a comparisons of the period of the two revolutionary wars.

<sup>7</sup> See, especially, Ronald Hoffman, Thad W. Tate and Peter J. Albert, eds., *An Uncivil War: the Southern Backcountry during the American Revolution* (Charlottesville VA: University of Virginia Press, 1985); For descriptions of American revolutionary violence and brutality recorded in private diaries see, Wayne E. Lee, *Crowds and Soldiers in Revolutionary North Carolina: The Culture of Violence in Riot and War* (Gainesville FL: University of Florida Press, 2001), and on legal aspects of the confiscation of property, see, Henry J. Young, "Treason and its Punishment in Revolutionary Pennsylvania," *The Pennsylvania Magazine of History and Biography* (July 1966), pp. 287-313.

French did not seek to kill more of their enemies than necessary—in fact one could argue to the contrary—they sought, rather, to insure that the death of each one of them would have maximal symbolic impact. The special French predilection was not for violence; it was for the *ritualization* of violence. The essence of the French Terror was the use of violence for symbolic rather than purely instrumental aims.

Terror is the tactic of an enemy who perceives himself to be the weaker party, and that was, not irrationally, the perception of those revolutionary Frenchmen (for the most part from the middling and lower classes) who found themselves at war, simultaneously, with the most powerful and privileged within their own society and with the greatest powers of Europe. Terror was a political and military strategy that meant to lend maximum symbolic visibility to revolutionary violence. In this sense Arendt was right: the logic of the Terror had everything to do with the politics of social class—it was a weapon of the weak. But not an instrument of social equality.

Terrifying violence, however, can take many forms and the French Terror took a particular one. The specific form of its ritualization was, in essence, juridical. What distinguishes the violence of the French Revolution, among the democratic revolutions of the west, is not the higher body count; it is the ubiquity of political tribunals. Beyond the great Revolutionary Tribunal in Paris, there were about 150 other exceptional tribunals, of which about 60 were military, popular or revolutionary ‘commissions.’ All but one of the departmental criminal tribunals (the Nièvre, was the happy exception) at one time or another adopted exceptional procedures similar to those used by the Paris tribunal.<sup>8</sup>

Only about 1.25% of those condemned were charged with economic crimes (e.g. counterfeiting, fraud, profiteering, misuse of public funds) which suggest that the terror was not directed primarily at economic crime or inequality and while the proportional social distribution of the victims of the revolutionary tribunals was heavily biased toward the higher social orders and classes (nobles, priests and the wealthy), the repression was predominantly motivated, at least as consciously articulated in prosecutorial indictments, by political, rather than socio-economic exigencies.<sup>9</sup> Political tribunals—as opposed, for example, to scorched earth, the targeting of innocents, ritualized mutilation or rape—were weapons meant to compensate less for military weaknesses than they were intended to redress the political weakness of a regime that had yet to find a stable constitutional foundation.

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<sup>8</sup> Donald Greer, *The Incidence of the Terror in the French Revolution* (Peter Smith, Gloucester MA, 1966), pp. 135-143; Berriat de Saint-Prix, *La Justice révolutionnaire* (Paris: Cosse et Marchel, 1861), p. 1; and Robert Charvin, *Justice et Politique* (Paris: Librairie générale de droit et de jurisprudence, 1968), p. 51, are earlier sources and give similar figures: a total of 144 exceptional jurisdictions, of which 60 commissions.

<sup>9</sup> Donald Greer estimates that 93% of all convictions were for political sedition, *Incidence of the Terror*, pp. 81-83; see also, Jacques Godechot, *Les Institutions de la France sous la Révolution et l'Empire* (Paris: PUF, 1951; 4<sup>th</sup> ed. 1989), pp. 380-388.

There was a ‘social message’ propagated through the political trials of revolutionary period (a topic for another time), but if it was a message of class warfare it was one that aimed at political egalitarianism rather than the economic triumph of the lower orders. And not surprisingly, this message of egalitarianism met with greatest political resistance from the most privileged within French society.<sup>10</sup>

Close assessment of the dynamics of the tribunals leads us away from the purely instrumental interpretation of revolutionary justice, which had been espoused most persuasively by Albert Mathiez. The acceleration in the rate of treason convictions by the Revolutionary Tribunal in the five weeks following the nation's triumph over its adversaries--often called the ‘Prairial problem’--cannot be explained away simply by the physics of momentum or inertia. This is not to say that the revolutionary tribunals did not, and were not meant to serve the end of national security—judicial repression in the departments was clearly most intense where and when civil rebellion and the threat of invasion was greatest: the West and the Southeast, alone, accounted for almost 12,000 of the 17,000 death sentences. It is simply to observe that other forms of violence, even other forms of terrorist violence, could have achieved this instrumental end effectively.

The political--as opposed to socio-economic or military--character of the revolutionary tribunals becomes even clearer when we consider the rate of death penalty convictions in relation to the course of the civil and international conflict over the 16-month period from the establishment of the exceptional tribunals in March-April of 1793 to the fall of Robespierre and the reorganization of the revolutionary tribunal in July-August, 1794. Nationwide, the period of greatest juridical repression occurred at the moment when the military crisis became most acute, December-January, 1793-94. However, when we separate out the Parisian tribunal, the curve, and its rhythms, look rather different: the significant upswing in *Brumaire* (November 1793), with the trials of the Girondins, which can be linked to the war, as can, perhaps, the second surge upward in the early spring of 1794 (*Ventôse*), but the peak of the number of executions in *Messidor-Thermidor*, (June-July 1794) came when the nation was clearly out of military danger, internally and externally. The provincial tribunals and commissions, even after the government’s decision to give exclusive jurisdiction for political offenses to the tribunal in Paris, also register a marked upswing after Prairial.<sup>11</sup> The Tribunal continued its work because military victory did not bring an immediate end to the political crisis.

Historians in the tradition of the ‘Mathiez School’ have sought to interpret *Prairial* in light of what is taken to be the instrumental ‘repressive logic’ of *Brumaire* and *Ventôse*. But perhaps it is worth attempting the opposite—to seek to understand *Ventôse* and *Brumaire* in light of *Prairial*. By doing so, it becomes clear that the tribunals were not simply mechanisms of instrumental repression, empty of political content. They were not

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<sup>10</sup> Patrice Higgonnet, *Beyond Goodness and Virtue: Jacobins during the French Revolution* (Cambridge MA: Harvard University Press, 1998).

<sup>11</sup> For an overview of the statistical data, see, Donald Greer, *Incidence of the Terror*, and James Logan Godfrey, *Revolutionary Justice*.

simply, as Patrice Gueniffey has suggested, an increasingly desperate exercise of retaining power for its own sake.<sup>12</sup> They had, and were intended to have political content. They were perhaps 'utopian' in the sense that they sought to transcend violent conflict through the elimination or subjection of their enemies: to win the war at home and abroad.

But the *Parisian* revolutionary tribunal, in particular, was, above all, a mechanism of political legitimation and an instrument of democratic pedagogy. Its aim was not only to win the war, but also to win the peace: to legitimate the judgment of the Convention and to transform, thereby, Frenchmen from subjects of a King into citizens of a Republic. The trials of the terror were theaters for the adjudication of political legitimacy and the dramatization of moral reform.

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Thus we arrive at the second myth: That the revolutionary trials were mere show trials, indifferent to the rights of the accused and the niceties of the liberal (Anglo-Saxon) model of adversarial courtroom procedure.<sup>13</sup> Some evidence does suggest this. Robespierre, for example, railed against undue deference to "legal formalities," and the laws of 22 Prairial were, it can be argued, only the culmination of a series of reforms of the revolutionary tribunal over the course of the 1793-94 that aimed to expedite convictions rather than protect the presumptive innocence of the accused. To be accused, it has been claimed, was to be condemned. But there is considerable evidence to suggest that, to the contrary, the proceedings of the Revolutionary Tribunal, and especially the Tribunal in Paris were anything but perfunctory in their execution of justice, or in their interest in discerning between the innocent and the guilty.

The law of 8 *Ventôse* of the Year II (February 26, 1794), in particular, has enjoyed a special status in the narrative of modern history because it inaugurated the political idea of state redistribution of wealth and property with the aim of lessening material inequalities among citizens. What is less noticed, however, is that this foundational document in the history of socialism, begins, in Article 1, by investing the Committee of General Security with the power "to release patriots who have been detained as counter-revolutionary suspects," with, however, one significant stipulation: "anyone demanding their freedom must give an accounting of his conduct since the first of May, 1789."<sup>14</sup>

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<sup>12</sup> Patrice Gueniffey, *La Politique de la Terreur: essai sur la violence révolutionnaire, 1789-1794* (Paris: Fayard, 2000).

<sup>13</sup> For a recent, brief history of the Paris revolutionary tribunal see, Antoine Boulant, *Le tribunal révolutionnaire. Punir les ennemis du peuple* (Paris: Perrin, 2018).

<sup>14</sup> ("Toute personne qui se réclamera sa liberté rendra compte de sa conduite depuis le premier mai, 1789"): P.-J.-B. Buchez and P.-C. Roux, *Histoire Parlementaire de la Révolution française*, 40 vols. (Paris: Paulin, 1837), 31: 311.

The Ventôse laws, were, in the first instance, animated by the need to address overcrowding in the prisons due to primitive logistics and procedural delays (most notably in assembling jury panels), and the political clamor on behalf of innocents who had been swept up in the panic-driven dragnets of the national crisis of the fall and winter. The ‘law on suspects’ passed on September 17, 1793 had not only licensed, but compelled local authorities throughout France to arrest anyone who came under the slightest suspicion of counter-revolutionary activity and thus by the winter of 1793-94 prisons and makeshift detention centers throughout France bulged with those who had been rounded up in the ever-broadening sweeps of city and countryside by revolutionary surveillance committees and vigilant patriots. There were not enough patriots to guard those left under house arrest. Conditions in the prisons became nearly as life threatening as the guillotine itself.<sup>15</sup>

The Jacobins discredited deputies who began to demand legal reforms to moderate this revolutionary zeal, labeling them as “*Indulgents*.” But calls for the release of citizens who had been unjustly detained by panicked authorities and vengeful neighbors came not just from the families and friends of the suspects, or ‘moderate’ deputies; they came also from Jacobin deputies of unimpeachable political credentials, and even from Merlin de Douai, the architect of the ‘law on suspects’ himself. By late January the Jacobins recognized both the material necessity of easing the situation in prisons and the political necessity of maintaining their legitimacy as the true heirs to the principles of 1789. Patriots would be released. The principal purpose of the 8 *Ventôse* law was, in Saint-Just’s words, to “advise on the most efficient means to identify and release innocent and unjustly detained patriots and to punish the guilty.”<sup>16</sup>

Article 1 of the law did not propose what would have been, seemingly, the most efficient method: oral interrogation of suspects by either police or court officials as a way of triaging the prison population. They chose, rather, to require the written composition of first-person narratives of moral and political conduct by the suspect that they could then examine and analyze. Why? Here, social class re-enters the story.

The fear of being outwitted by cleverer or better-educated opponents haunted the entire revolutionary judicial process. Public oral argument between officials who were for the most part drawn into public service from modest circumstances and the lesser professions and better-educated, more socially confident, and rhetorically skilled defendants could prove a dangerous thing.<sup>17</sup> And these most challenging of rhetorical opponents were

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<sup>15</sup> Rémy Bijaoui, *Prisonniers et prisons de la terreur* (Paris: Imago, 1996).

<sup>16</sup> “sur les moyens les plus court de reconnaître de et de délivrer l’innocence et le patriotisme opprimés, comme de punir les coupables.” P.-J.-B. Buchez and P.-C. Roux, *Histoire Parlementaire de la Révolution française*, 40 vols. (Paris: Paulin, 1837), 31: 298.

<sup>17</sup> Richard Andrews, “The Justices of the Peace of Revolutionary Paris, September 1792-November 1794 (Frimaire Year III), in *French Society and the Revolution*, Douglas Johnson, ed. (Cambridge UK: Cambridge University Press, 1976), pp. 167-216.

precisely the 'aristocrats' that revolutionary justice was meant to expose and convict.<sup>18</sup> A huge amount of the effort of the Tribunal's investigative process was dedicated to pinning evidence and testimony down on paper in order to limit public cross-examinations.

Moreover, oral cross-examination and argument in the courtroom bore even greater risks than private interrogation by an investigating jury because it exposed political adversaries to a public audience that was far less acculturated to the rhetorical arts of debate than the deputies in the National Convention. Mme. Roland, for example, wrote to a friend from prison expressing total confidence in her ability to win her freedom through oral argument in the courtroom of the Revolutionary Tribunal.<sup>19</sup> This 'social advantage' hamstrung the functioning of the tribunals from their inception.

In the initial phase of its operation (from March 10 to September 5, 1793) the Revolutionary Tribunal, like the new ordinary criminal courts, permitted public examination of witnesses and oral argument of *unlimited duration*. In the first five months of its operation (April through August of 1793) the 'swift hand' of the Revolutionary Tribunal managed to bring 224 cases to completion (approximately 1 case per chamber per day). The more skilled of defendants (or their lawyers) demanded adherence to every detail of procedure. These defendants were, by and large, overwhelmingly successful in winning their freedom. By September of 1793 only fifty-two of the hundreds of accused counter-revolutionaries had been convicted by the Tribunal.

Indeed, the conviction rates of the Paris Revolutionary Tribunal did not differ very much from regular criminal tribunals. Between 1792 and 1793, regular criminal juries acquitted 67 percent of those accused of political crimes, and at the height of the Terror (1793-94) acquittal rates rose to 82 percent. One might speculate that low conviction rates in the regular courts could be accounted for by the siphoning off of the most heated political trials to exceptional jurisdictions during the height of the revolutionary crisis. However, the juries of the infamous Revolutionary Tribunal in Paris itself were by and large less eager to convict than is often assumed: the acquittal rate of the Revolutionary Tribunal between March and September of 1793 was about the same as regular tribunals: 68.4 percent.<sup>20</sup> Odd as it may seem, French revolutionary jurors, were exceptionally soft on crime, and especially on those accused of political crimes.

By autumn the need to *accelerate* revolutionary justice was manifest, and so too, was the need to more successfully convict known traitors. Adversarial courtroom procedure, and the length of oral argumentation went to the heart of both problems. Thus, over the course of the Year II, the most highly charged political trials of the tribunals produced

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<sup>18</sup> Gérard Walter, *Actes du Tribunal Révolutionnaire*.

<sup>19</sup> Gita May, *Madame Roland and the Age of Revolution* (New York: Columbia University Press, 1972).

<sup>20</sup> Robert Allen, *Les Tribunaux criminels sous la Révolution et l'Empire, 1792-1811* (Rennes: Presses Universitaires de Rennes, 2005), and Gérard Walter, *Les Actes du Tribunal Révolutionnaire* (Paris: Mercure de France, 1986), pp. xxviii-xxxii.

successive modifications of revolutionary trial procedure, modifications which were intended to speed the execution of justice and to progressively limit the greater legal skills of more socially powerful defendants. The Court was expanded into four Sections and jury panels were "radicalized" (by lowering social eligibility requirements) in September in order to permit more trials to be conducted, with more militant judges and jurors. But even more significantly, on October 30, 1793, in anticipation of the Girondin trials, Robespierre introduced a decree limiting oral debate in the courtroom to three days.<sup>21</sup>

These reforms were intended, and succeeded, in redressing the social advantage of the more prosperous and the more educated. Mme. Roland would not be able, as her interrogator reminded her, to transform the trial into "a salon."<sup>22</sup> In the wake of the Hébertiste trials, and in anticipation of that of the Dantonists, the Jacobin fear of the eloquence of their adversaries reached ever-greater extremes, and self-expression in the courtroom was further restricted by a decree of 15 *Germinal* (April 4, 1794) permitting the tribunal to exclude from debate "any defendant...who expresses contempt for national justice"—e.g. Georges Danton.<sup>23</sup> Danton would not be permitted to put the Revolution on trial. Ultimately, the law of 22 *Prairial* (June 10, 1794), suppressed even the right of the defendant to have a delegated representative speak on his or her behalf. Thus the compression and acceleration of trial proceedings, a process that began in the fall of 1793, reached its fullest extreme with the law of 22 *Prairial*, in June of 1794.

It is questionable, however, whether the *Prairial* laws did, in fact, dramatically "accelerate" revolutionary justice—if we measure this by the length of time from initial detention to judgment. What *is* clear is that this succession of laws of 'acceleration' over the fall and spring of the Year II progressively reduced the duration of the *public phase* of trial proceedings. It was an attempt to wrest the power of judgment away from the continuous pressure of a public audience and to restore an ever-larger measure of control to a panel of investigating judges and politically inoculated jurors. Defendants and witnesses were compelled to testify in written depositions rather than through cross-examination in the phase of oral argument. The courtroom thus became progressively less of a site for the discovery and adjudication of evidence. It evolved, rather, into a forum for the presentation of evidence and the pronouncement of judgments.

This legitimating function of the courts is further evidenced by the corollary expansion of the printed publications to disseminate incriminating evidence and trial proceedings as the public phase of the trial contracted--the *Bulletin du Tribunal Révolutionnaire*, the *Journal du Tribunal Révolutionnaire*, and the myriad number of pamphlets published by accusers and accused which propagated depositions, extracts from incriminating letters,

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<sup>21</sup> Robert Charvin, *Justice et Politique* (Paris: Librairie Générale de Droit et de Jurisprudence, 1968), p. 49.

<sup>22</sup> See her interrogation, in Gérard Walter, *Les Actes du Tribunal Révolutionnaire* (Paris: Mercure de France, 1986), pp. xxviii-xxxii.

<sup>23</sup> P.-J.-B. Buchez and P.-C. Roux, *Histoire Parlementaire de la Révolution française*, 40 vols. (Paris: Paulin, 1837), 31: 298.



transcripts of interrogations and *actes d'accusation* throughout the nation. These media wars of the Year II eroded the monopoly of the Parisian audiences in the courtroom in adjudicating the cases brought against accused traitors and appealed to the nation at large to determine the fate of the Republic and its enemies.

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Let me offer some conclusions. Jean-Clément Martin is certainly correct in asserting that the revolutionary tribunal was not the engine of the Terror.<sup>24</sup> The Terror as a political and cultural phenomenon far exceeded the compass of the courtroom. But the use of legal mechanisms to multiply the effects of political violence through exemplary justice was a distinctive feature of the French revolutionary legacy. What was terrifying about the French revolutionary terror was not the extent or extremity of its violence, but rather *the nature* of that violence--it was terrifying by design. Second, the specific form that the French terror took--the ritualization of political violence through the use of courts of law--was not an act of cynicism or a perversion of justice, it was a mechanism devised to adjudicate the legitimacy of the Republic and to expose the hypocrisy of its opponents. Third: rule of law and legal procedures did not collapse over the course of the Year II. Rather, the procedures of the courtroom, optimistically conceived at their inception to be an exemplar of the adversarial jury system, were modified over the course of the Year II to prevent defeat against adversaries who brought greater social and cultural capital to the legal battles of the courtroom.

Ultimately, the tribunals and trials evolved (or devolved, if you will) from the more modern "adversarial model," into a traditional "grand jury model," which was, in fact, the dominant model in Britain and most European courts for adjudicating capital crimes. If anything, the Paris Revolutionary Tribunal, as initially conceived, introduced the most liberal judicial proceedings for capital crimes in Europe during this era. As Tim Hitchcock has shown, through his meticulous studies of the Old Bailey Courts, the public "trial phase" for criminal capital cases in Britain in this period was at most one day (and more typically much shorter).<sup>25</sup>

It was only in the nineteenth century that the public phase of criminal trials began to extend, in the Anglo-Saxon world as well as on the continent, into the lengthy courtroom dramas that have become the stuff of fiction. In this sense, the 'trials of the terror' were a precocious, though tragic, experiment in the public adjudication of civic norms, born out of the necessity of maintaining the legal legitimacy of the Republic during a period of civil war and martial law. As much as the trials of the terror served the repressive purposes of national security during the wars, in the end of the day the central function of the Parisian revolutionary trials was maintaining the political legitimacy of the republican

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<sup>24</sup> Jean-Clément Martin, *La Terreur. Verités et légendes* (Paris: Perrin, 2017), pp. 125-130.

<sup>25</sup> Tim Hitchcock and William J. Turkel, "The Old Bailey Proceedings, 1674-1913: Text Mining for Evidence of Court Behavior," *Law and History Review*, Vol. 34, Issue 4 (November 2016), pp. 929-956

Convention during a constitutional crisis and to inculcate republican values and norms through their public dramatization in the courtroom and in the court of public opinion.

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