

H-France Salon
Volume 11, Issue 16, #4

Habitual Terror and the Legislative Body in the Revolution*

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On 10 Thermidor year II (July 28, 1794), in the wake of Robespierre's fall, three members of the Committee of General Security, together with Lazare Carnot of the Committee of Public Safety, ordered a Parisian police officer to "secure and bury the corpses of the conspirators Couthon, Robespierre *jeune* and others, if found."¹ On the same day, Bertrand Barère, a fifth member of government, put his oversized, swooping signature on an order that transferred his colleague Maximilien Robespierre to the Conciergerie, where the latter would be sentenced to death and patched up for execution.²

The "conspirators" Augustin Robespierre and Georges Couthon, presumed dead but actually still alive – if seriously injured – as well as the elder Robespierre were all close colleagues of those who ordered their hasty interment or transfer to prison on 10 Thermidor. Yet in the strained political climate of revolutionary France in 1794, political allegiances changed quickly. A series of purges of the legislature had, since 1793, struck one group of politicians after another, forcing the rest to justify their political conduct, denounce their colleagues, and mourn their friends in silence. Knowing that one's own head almost "touch[ed] the guillotine" had caused "the reversal of all affections" amongst France's legislators.³

Between 1792 and 1795, a fluctuating number of around 750 Conventionnels expelled over 240 of their peers for alleged political crimes, of which 58 were executed.⁴ These purges of

* I would like to thank Marisa Linton, Stephen Clay, and the editors of *H-France Salon* for their much-appreciated feedback on this essay.

¹ Les représentants du peuple membres des comités de salut public, et de sûreté générale aux Citoyens Dénis, Laymond, et Colmet commissaire de police de la section des lombards, 10 Thermidor II. Elie Lacoste. Vadier. Carnot. Rühl. A.N. AF/II/47.

² Transfer order signed B. Barere and Billaud-Varenne, 10 Thermidor II, Extrait du Registre des Arrêtés du Comité de Salut Public. A.N. AF/II/47.

³ Jean-Lambert Tallien, Convention Nationale [C.N.] 11 Fructidor II, *Réimpression de l'Ancien Moniteur: Seule Histoire Authentique et Inaltérée de la Révolution Française Depuis la Réunion des Etats Généraux Jusqu'au Consulat (Mai 1789–Novembre 1799). Avec des Notes Explicatives* (Paris: Plon Frères, 1847–1850) [MON] 343, 13 Fructidor II, 21:613.

⁴ In 1983, Alain de Dieuleveult counted 167 victims of decrees of arrest and accusations in the Assembly, based on Kuscinski's Dictionary of Conventionnels. He also listed an additional 58 deputies who were guillotined. See Alain de Dieuleveult, "Mort des conventionnels," *AHRF* 55, no. 251 (1983): 158. The resulting total of 225 purging victims at the Convention is lower than

legislators are usually associated with the Terror, the period of violence between 1793 and 1794 supposed to have come to an abrupt end with Robespierre's death. This year undoubtedly saw the highest number of executions not only of ordinary citizens, but of politicians, including famous victims such as the "Girondins," the Dantonistes and Robespierre. Many historians believe that Jacobin ideology was at least partly responsible for driving the bloodletting amongst the revolutionary élite. François Furet, Mona Ozouf, Antoine de Baecque and others have thus emphasized the Jacobins' insistence on national "regeneration" as a motivation for the frequent political arrests and executions.⁵ Marisa Linton's new study, *Choosing Terror*, has added to this picture by highlighting the role that revolutionary insistence on virtue and authenticity played in unleashing the "Politicians' Terror" that cost so many lives at the Convention in the year II.⁶

But was the Terror truly an exceptional moment in regard to parliamentary violence? After 9 Thermidor, the Convention, after all, pursued a similar agenda of purification as it had under Montagnard leadership and continued to decree substantial mass-expulsions of elected politicians.⁷ Conventional terror thus remained dominant in the parliamentary life of the

the over 240 purged deputies mentioned here, a number which is based on new research with decrees of arrest and accusation and administrative lists held at the A.N. For the (mostly violent) deaths suffered by Conventionnels in the Revolution, see Michel Biard's recent *La liberté où la mort: mourir en député 1792–1795* (Paris: Tallandier, 2015). In particular, Annexe 1 "Liste des 96 représentants du peuple décédés de mort non naturelle avant 1799 & Annexe 8 "Les types de mort," 317–320; 344. Biard lists 61 executions of Conventionnels because his numbers include incidents that occurred after the Assembly's dissolution, in this case the sentencing of the ex-Conventionnels Huguot, Cusset and Javouges in 1796.

⁵ Antoine de Baecque, "Regeneration: The Marvelous Body, or The Body Raised Upright of the New Revolutionary Man," in *The Body Politic: Corporeal Metaphor in Revolutionary France, 1770–1800* (Stanford: Stanford University Press, 1997), 132–134. The concept of regeneration, as Sean Quinlan has, for instance, highlighted, "assumed its most disturbing guises" under Jacobin rule, "drawing upon images of heroic sublimation, self-sacrifice, redemption through violence and purification by blood." See Sean M. Quinlan, "Physical and Moral Regeneration After the Terror: Medical Culture, Sensibility and Family Politics in France, 1794–1804," *Social History* 29, no. 2 (2004): 146.

⁶ Marisa Linton, *Choosing Terror: Virtue, Friendship, and Authenticity in the French Revolution* (Oxford: Oxford University Press, 2013).

⁷ Françoise Brunel, "L'épuration de la Convention nationale en l'an III," in *Le tournant de l'an III: réaction et terreur blanche dans la France révolutionnaire*, ed. Michel Vovelle (Paris: CTHS, 1997), 15–26; see also Mette Harder, "A Second Terror – The Purges of French Revolutionary Legislators after Thermidor," in "Forum Thermidor and the French Revolution," ed. Laura Mason, special issue, part 1, *French Historical Studies* 38, no. 1 (2015): 33–60 & "Elle n'a pas même épargné ses membres! Les épurations de la convention nationale entre 1793 et 1795," *Annales historiques de la Révolution française* 381, no. 3 (2015): 77–105. For a classic look at the Thermidorian purges, see Edgar Quinet, *La Révolution* (1865; repr., Paris: Librairie Belin, 1987), 603–640; for studies of individual purges in the year III: Jules Claretie, *Les derniers Montagnards: Histoire de l'insurrection de prairial an III (1795), d'après les documents originaux et inédits*, 2nd ed. (Paris: Lacroix, Verboeckhoven et Cie, 1868); Françoise Brunel and Sylvain Goujon, *Les martyrs de prairial: textes et documents inédits* (Geneva: Georg,

Revolution far beyond the eclipse of Jacobin power and ideology. The obsessive purging of representatives of the people survived Jacobinism while borrowing many of its ideas and practices, and was embraced by multiple revolutionary regimes. However, while the individual, notorious purges and show trials of 1793 and 1794 have been studied in detail, the overall practice of parliamentary purging in the Revolution is still poorly understood. Focussing on key continuities in the expulsions of legislators that occurred throughout the 1790s highlights the casualized, rather than exceptional, nature of parliamentary violence, and leads to questions about its impact on representative democracy in the Revolution.

The Terror, or the year II, is seen as a key moment when liberal revolutionary values were abandoned as constitutional safeguards were suspended and justice was exercised revolutionarily. A long-term look at parliamentary expulsions shows, however, that at least in this regard, the year II was just one station stop in a wider, stealthier decline of France's new democracy. In terms of relentless aggression and violations against and amongst the members of its key democratic institution, political terror, in fact, continued beyond the year II. Purging was a highly destructive practice that nourished at the heart of French representative democracy over multiple, successive years. In the arrests, imprisonments, and executions of legislators, fundamentally anti-democratic attacks on legislative integrity became a regular part of revolutionary politics. Research into this particular form of revolutionary violence, and the reasons behind the democratic failure in which it played a significant role, notably requires that we reach beyond the limiting frameworks and historiographies of the Terror, think more broadly about how the revolutionaries treated political bodies — individual and collective — , and assess the ultimate consequences of an increasingly normalized use of violence against, and by, legislators in the founding years of French democracy.

Parliamentary Immunity in the Early Revolution

Between 1789 and 1793, parliamentary immunity consistently protected even openly counter-revolutionary legislators from political arrest, imprisonment and trial, as well as sheltering several deputies from their angry creditors. The firmly held principle, established in 1789, was chiefly intended to prevent the kinds of political persecution believed to have characterized the last decades of the Old Regime, when, as Julian Swann has shown, arbitrary imprisonment by *lettres de cachet*, warrants signed by the King, had been employed with increasing ruthlessness against recalcitrant magistrates.⁸ Several revolutionary politicians, including Jacques-Pierre Brissot, had personal experience with the dreaded arrest warrants.⁹ Mirabeau, the perhaps most

1992); for more general treatments of the challenges facing the Convention during this time, including factional conflict, transitional justice and purging: Bronislaw Baczko, *Comment sortir de la Terreur: Thermidor et la Révolution* (Paris: Gallimard, 1989); Sergio Luzzatto, *L'automne de la Révolution: luttes et cultures politiques dans la France thermidorienne* (Paris: H. Champion, 2001); Loris Chavanette, *Quatre-vingt-quinze: la Terreur en procès* (Paris: CNRS éditions, 2017).

⁸ Julian Swann, *Exile, Imprisonment, Or Death: The Politics of Disgrace in Bourbon France, 1610–1789* (Oxford: Oxford University Press, 2017).

⁹ The first *lettre de cachet* was motivated by Brissot's pamphlet *le Pot-pourri*, in which he had, by his own admission, "mistreated several orators, and above all the wife of a *procureur*..."

famous, long-term victim of a *lettre de cachet* – though non-political in background – had denounced the *lettres de cachet* as a form of political tyranny that combined the “most odious illegality” with “an imposing judicial apparatus,” resulting in governmental “terror.”¹⁰ After the outbreak of Revolution, and backed by the *cahiers de doléances* which heavily criticized the practice, revolutionary reformers were therefore quick to attack the practice.¹¹ The very importance, as Richard Cobb and Colin Jones have argued, that was ascribed to the fall of the Bastille, a “satisfying symbol of royal tyranny,” highlighted contemporaries’ desire to place the fight against political imprisonment high on the Revolution’s foundational agenda.¹²

A particular concern of the National Assembly was how to protect the representatives of the people from similar forms of political intimidation as the monarchy had practiced before 1789. The tense, and, according to Barry Shapiro, traumatic events of the Royal Session, when Assembly members had defied the King’s orders to meet in separate chambers, prompted fears that dozens of deputies could be potential targets for political arrest.¹³ On 23 June 1789, Mirabeau therefore proposed, and the Assembly passed, comprehensive parliamentary inviolability legislation.¹⁴ It declared that anybody who “dared (...) to pursue, arrest or have arrested, detain or have detained a deputy based on any propositions, view, opinion, or speech held by him at the Estates-General” was a “traitor to the nation and guilty of a capital crime.”¹⁵ The Constitution of 1791 later affirmed the principle that legislators were “inviolable,” stating that they could at no time be “investigated, accused or judged” for “what they had said, written

Jacques-Pierre Brissot, *Mémoires de Brissot*, ed. François Adolphe Mathurin de Lescure (Paris: Firmin-Didot, 1877), 85–86. For the circumstances of his escape see Robert Darnton, “The Grub Street Style of Revolution: J.-P. Brissot, Police Spy,” *Journal of Modern History* 40, no. 3 (1968): 322. In a second incident, Brissot was imprisoned at the Bastille for several months.

¹⁰ Fred Morrow Fling, “Mirabeau, a Victim of the Lettres de Cachet,” *The American Historical Review* 3, no. 1 (Oct., 1897): 28. <http://www.jstor.org/stable/1832806>; Claude Quétel notes that Mirabeau’s father, who requested his son’s repeated detention, had also once been subject to a *lettre de cachet* resulting in his short-term imprisonment at Vincennes. See Claude Quétel, *Les Lettres de Cachet: Une Légende Noire* (Paris: Perrin 2011), 326; Honoré-Gabriel Riqueti, *Essai sur le Despotisme* (London, 1775), 89–90; 174. B.N. Gallica, <ark:/12148/bpt6k9735282f>.

¹¹ “though some cahiers, from both the Third Estate and the nobility, expressed reservations about completely abolishing their use in family matters.” Lynn Hunt, *The Family Romance of the French Revolution* (London: Routledge, 1992), 40. See also James F. Traer, *Marriage and the Family in Eighteenth-Century France* (New York: Cornell University Press, 1980), 140–141.

¹² Richard Cobb and Colin Jones, ed., *The French Revolution: Voices from a Momentous Epoch 1789–1795* (London: Simon and Schuster, 1988), 216.

¹³ See Barry Shapiro, *Traumatic Politics: The Deputies and the King in the Early French Revolution* (University Park, PA: Pennsylvania State University Press, 2009), 64–69.

¹⁴ See Shapiro, *Traumatic Politics*, 64–69.

¹⁵ Séance Royale, 23 June 1789, MON 10, 20–24 June 1789, 1:95. Mirabeau initiated the decree, warning the Assembly that 60 deputies were threatened by arrest. Shapiro, *Traumatic Politics*, 68. See also Timothy Tackett, *Becoming a Revolutionary: The Deputies of the French National Assembly and the Emergence of a Revolutionary Culture (1789–1790)* (University Park, PA: The Pennsylvania State University Press, 2006), 153.

or done as part of the exercise of their functions as representatives.”¹⁶ Several deputies benefitted from these early safeguards of their parliamentary freedoms, even when they acted against, not for, the Revolution.

The reforms of 1789–1791 unequivocally protected deputies from arrest by the crown or any other authority outside the legislature. Immunity, for instance, sheltered the future Conventionnel Merlin (de Thionville), a member of the Legislative Assembly who was arrested by a *juge de paix*, from the consequences of having passed confidential governmental information to a journalist.¹⁷ Insults, confrontations and disorderly conduct within the legislature, as well as some members’ possible involvement in fomenting political unrest, however, soon raised the question whether the Assembly itself should assume the right to discipline its own under certain circumstances. Charles Walton has identified efforts by some representatives, as early as December 1789, to expel Mirabeau’s younger brother, *Barrel Mirabeau*, for crude language.¹⁸ The next year, the Assembly passed several expulsion and short-term house arrest or prison sentences against deputies accused of having insulted or threatened either the National Representation or individual members.¹⁹ Similarly, in 1792, the legislator Jean-Jacques-Louis Calvet-Méric received a short-term sentence at the Abbaye for “insulting the French people in the person of one of its representatives.”²⁰

Walton does not see in these early censures of legislators the precursors of later parliamentary purges at the Convention, highlighting that immunity protections, overall, held fast.²¹ At the same time, his work on the disciplining of legislators for speech crimes points towards a gradual, but persistent erosion of parliamentary immunity in the Revolution’s early years. Outside the legislature, too, deputies’ safety from arrest for political speech or actions was questioned early on by local and judicial authorities. Following the Women’s March to Versailles, Albert Mathiez found, the Châtelet tried to lift the elder Mirabeau’s and the Duke of Orléans’ inviolability in order to pursue them as suspected instigators.²² A report by the Assembly’s *Comité des Recherches* classified these accusations as hearsay and advised the Assembly to honor its members’ immunity.²³ Yet Orléans was driven into temporary exile by the investigation, and, as

¹⁶ Constitution du 3 Septembre 1791. SECTION V. Réunion des représentants en Assemblée nationale législative. Art. 7. Reprinted in Jean Tulard, Jean-François Fayard and Alfred Fierro, *Histoire et Dictionnaire de la Révolution française: 1789–1799* (Paris: R. Laffont, 1987), 681.

¹⁷ Albert Mathiez, “L’Immunité Parlementaire sous la Révolution,” in *La Conspiration de l’Etranger* (Paris: Armand Colin, 1918), 292–293.

¹⁸ Charles Walton, *Policing Public Opinion in the French Revolution: The Culture of Calumny and the Problem of Free Speech* (Oxford; New York: Oxford University Press, 2009), 139–140.

¹⁹ Against Castries, Faucigny, Frondeville, Guilhermy, Roy and Virieu. See Walton, *Policing Public Opinion*, 148–157.

²⁰ See Walton, *Policing Public Opinion*, 157. Quotation also from Walton.

²¹ Walton, *Policing Public Opinion*, 157.

²² Mathiez, “L’Immunité Parlementaire,” 288–291. See also Evelyne Lever, *Philippe Égalité* (Paris: Fayard, 1996), 354–358; Tom Ambrose, *Godfather of the Revolution: The Life of Philippe Égalité, Duc D’Orléans* (London and Chester Springs, PA: Peter Owen Publishers, 2008), 167–171.

²³ Mathiez, “L’Immunité Parlementaire,” 289–291.

Barry Shapiro has highlighted, the incident caused widespread fears that a whole group of radical deputies, such as Barnave, the Lameth brothers and Maximilien Robespierre, might eventually face trial.²⁴

Radical journalists and pamphleteers such as Camille Desmoulins, before they themselves became elected representatives in the republic, also regularly attacked parliamentary inviolability. To Desmoulins, Ulpian's law "[*Princeps*] *legibus solutus est*," that "the 'prince' is not bound by the laws," was simply "false" in regard to elected politicians. His ambivalently violent street lamp called, in one instance, for the prosecution of the conservative deputy Cazalés, denying that the legislative person was "sacred" and claiming public support for his views in the form of a "mass of *cahiers*" that had called for deputies to be politically liable.²⁵ Already at this time, radical republican thinkers tended to reject inviolability as contradictory to natural law. In later debates during and after the King's Trial, this argument would deal a death blow not only to Louis, but also to the principle that the Conventionnels debating his fate were themselves immune from arrest, imprisonment and prosecution.

Early revolutionary attitudes towards parliamentary immunity were therefore complex. The creation of immunity legislation represented a key foundational moment in the history of the National Assembly and was closely tied to national memories of resisting royal tyranny and establishing a National Representation. Protections of the legislative person, overall, remained in place and were widely accepted as guarantees of the new representative democracy. Yet there were occasional and recurring debates over individual cases, and some, including leading republicans, questioned the idea in the name of equality and in order to better attack their political enemies.

The Purges of the Convention

After the fall of the monarchy, the elections to a National Convention, and the establishment of a republic, support for parliamentary immunity, paradoxically, waned. Legislators' lives seemed at risk more than ever after Lepeletier's assassination by a royalist, threats of collective punishment against all the regicides, and several deputies being taken hostage while on mission with the armies. Yet the King's Trial, Dumouriez' defection, and calls for greater equality between the people and their representatives led to a drastic reduction in parliamentary protections. On 1 April 1793, in the midst of the Dumouriez crisis, under heavy popular pressure, and beset by faction fighting, the Convention passed a decree, jointly proposed by a Montagnard and a "Girondin" deputy, which allowed for its members to be accused and sent before the Revolutionary Tribunal for "complicity with the enemies of liberty, of equality and of the

²⁴ Barry M. Shapiro, "Revolutionary Justice in 1789–1790: The Comité des Recherches, the Châtelet, and the Fayetteist Coalition," *French Historical Studies* 17, no. 3 (Spring 1992): 668. DOI: 10.2307/286566.

²⁵ Camille Desmoulins, *Discours de la Lanterne aux Parisiens* (Paris: Chez Le Jay fils, 1789), 16–17. B.N. Gallica, [ark:/12148/bpt6k40484r](https://nbn-resolving.org/urn:nbn:fr:gallica:ark:/12148/bpt6k40484r); Citation "the 'prince' is not bound by the laws" from Gustaaf van Nifterik, "Lex Princeps Legibus Solutus Abrogata," *Fundamina* 20, no. 2 (2014): 973; 978–979.

republican government...²⁶ In the next two years, it would expel, detain and prosecute almost one third of France's legislators for treason.

Immediately following the decree of 1 April, a series of isolated expulsions first accustomed the Convention and the public to the idea of proscribing the country's legislators. The decree might have legalized the political prosecution of the people's representatives, but arbitrariness characterized the Convention's treatment of its members from the beginning.²⁷ Its expulsion and deportation to Marseille of Philippe Égalité in early April, alongside other members of the Bourbon family, thus occurred without the submission of evidence, an official report, a formal accusation or a hearing.²⁸ By contrast, in the same month, its approach to Jean-Paul Marat, accused by his enemies of having signed an aggressive petition against the National Representation, mostly followed the new rules. The Assembly held a roll call vote on the question "Y a-t-il lieu à accusation contre MARAT, Membre de la Convention nationale?" in a continuous session before it sent Marat to the Revolutionary Tribunal where he was acquitted. The results of the time-consuming process, which recalled the King's trial, were made public in an 80-page long document that carefully listed each deputy's vote.²⁹

By undermining the notion that parliamentary immunity was an essential guarantee of representative democracy, the Convention's early expulsions introduced purging as an acceptable practice into revolutionary politics. As such, the cases of Egalité and Marat paved the

²⁶ Decree of 1 April 1793. Minute, signed Birotteau, A.N. C 251, no. 418, cited in Alexandre Tuetey, *Répertoire Général des Sources Manuscrites de l'Histoire de Paris pendant la Révolution Française* (Paris: Imprimerie Nouvelle, 1908), 8:344, item 2257. See also Cécile Guérin-Bargues, "L'Inviolabilité des Révolutionnaires ou la Naissance d'une Curieuse Tradition Parlementaire," in *Vertu et Politique: Les Pratiques des Législateurs (1789–2014)*," ed. Michel Biard, Philippe Bourdin, Hervé Leuwers and Alain Tourret (Rennes: Presses Universitaires de Rennes and Société des Études Robespierriennes, 2015), 289.

²⁷ The decree of 1 April 1793 only laid out the rules for decrees of accusation against deputies. There was little clarity on the rules governing decrees of arrest, an authority also delegated to the Convention's Governing Committees at some point.

²⁸ Lettre de Joseph Egalité à la Convention nationale, 7 April 1793 (à la mairie), Autographe, A.N. C 252, no. 438 & Lettre de M. Gohier, ministre de la justice, au président de la Convention nationale, Original signé, A.N. C 251, no. 430, as cited in Tuetey, *Répertoire Général*, 8:349, items 2287 & 2288. See also George Armstrong Kelly, *Victims, Authority, and Terror: The Parallel Deaths of d'Orléans, Custine, Bailly, and Malesherbes* (Chapel Hill: The University of North Carolina Press, 1982), 81–86; Jean-Baptiste Samat, "La Détention des Princes d'Orléans à Marseille (1793–1796)," *Comité du Vieux Marseille* 59 (1993).

²⁹ *Appel nominal qui a eu lieu dans la séance permanente du 13 au 14 avril 1793, l'an deuxième de la République française, à la suite du rapport du comité de législation, sur la question: Y a-t-il lieu à accusation contre MARAT, Membre de la Convention nationale?* (Paris: Convention nationale, 1793). Cornell Rare Books DC 146.M31 F81. Anne Simonin and Corinne Lechevanton-Gomez, in "L'appel nominal, une technique pour la démocratie extrême (1789–1795)?" in "Radicalités et modérations en Révolution," *AHRF* 357 (July–September 2009): 68, also point out these similarities. Many thanks to Hunter Reed for her help with documents on Marat's trial while a history research assistant at SUNY Oneonta.

way for the mass-expulsion of 29 deputies accused of forming a “Girondin” faction with the insurrection of 31 May–2 June 1793.³⁰ This purge, the consequence of violent infighting between different deputies of the Assembly and of a military, political and constitutional crisis in the country, occupies a mythical place in the history of the Revolution. Of the 29 deputies expelled by the Convention under pressure from the Paris sections, only nine ultimately survived. By desecrating representative space, their persecutors left France’s National Representation open to future attacks. The purge was seminal in the creation and perpetration of rhetorics and practices typical of the Terror, but which, in regard to parliamentary violence, continued into later years of the Revolution. As M.J. Sydenham demonstrated, the “Girondins”’ enemies thus created false truths around themes such as “faction,” “conspiracy” and “treason” to criminalize their expelled colleagues, tactics that progressively insinuated themselves into parliamentary politics.³¹ The weaponization of a burgeoning purging rhetoric, including at the “Girondins”’ trial, notably contributed to the consolidation of a culture that would serve to justify even larger expulsions from the Convention such as that of over 70 deputies on 3 October 1793.

By reducing lawmakers to fugitives, prisoners and outlaws, sending the majority to the guillotine and driving four others into suicide, the purge of 2 June struck at the core of French democracy. In the summer of 1793, many “Girondin” deputies’ escapes from Paris, their participation in the Federalist Revolt, and the hardening of attitudes towards them in Paris encouraged progressively more violent acts against the expelled legislators. As part of the hunt for fugitive “Girondins,” purged legislators were outlawed and summarily executed throughout 1793 and early 1794.³² The first execution of a fugitive Conventionnel, that of Antoine-Joseph Gorsas, was symptomatic of a growing tolerance for the use of violence against deputies that would continue under successive revolutionary governments and frequently resulted in representatives’ bodies being injured, patched up and “dragged to the scaffold.”³³ In the meantime, the Convention’s establishment of a separate prison at the Luxembourg for its expelled members in the summer of

³⁰ The question of the political or “factional” identity of the deputies has been much debated. See, in particular, M.J. Sydenham, *The Girondins* (London: University of London Athlone Press, 1961); Alison Patrick, *The Men of the First French Republic: Political Alignments in the National Convention of 1792* (Baltimore: Johns Hopkins University Press, 1972); Sydenham, “The Montagnards and Their Opponents: Some Considerations on a Recent Reassessment of the Conflicts in the French National Convention, 1792–93,” *The Journal of Modern History* 43, no. 2 (1971): 287–293; Patrice Higonnet, “The Social and Cultural Antecedents of Revolutionary Discontinuity: Montagnards and Girondins,” *The English Historical Review* 100, no. 396 (1985): 513–544; Michael S. Lewis-Beck, Anne Hildreth, Alan B. Spitzer, “Was There a Girondist Faction in the National Convention, 1792–1793?,” *French Historical Studies* 15, no. 3 (Spring, 1988): 519–536.

³¹ Sydenham, *The Girondins*, 205.

³² See, most notably, Eric de Mari, *La mise hors de la loi sous la Révolution française (19 mars 1793 – An III): une étude juridictionnelle et institutionnelle* (Issy-les-Moulineaux: LGDJ Lextenso éditions, 2015).

³³ See, for example, the Conventionnel Thibaudeau’s description of Saint-Just’s arrest and transfer to prison following the events of 9 Thermidor. Antoine-Claire Thibaudeau, *Mémoires sur la convention et le directoire*, ed. François Pascal (Paris: SPM, 2007), 119.

1793 reinforced not only their status as political prisoners, but the fact that the proscription of legislators was becoming a habitual practice.

The Causes and Rhetoric of the Conventional Terror

Between 1793 and 1794 and in the Thermidorian Reaction of 1794 to 1795 successive “factions” of “Girondins,” “Dantonists,” and “Robespierristes” as well as more than 100 ex-Montagnards were successively expelled and declared *ex-députés*. As in the previous year, parliamentary purging in the year III notably continued to be a frequent, and progressively normalized, political phenomenon. With the mass-imprisonment of large numbers of former representatives on mission in the spring and summer of 1795, the Thermidorian Assembly purged (though did not eliminate) its members at rates comparable to those of the Terror, refusing to hear the victims or grant them a trial in the majority of cases. The persistence of recognizable “formes révolutionnaires” in Thermidorian parliamentary justice suggests important continuities, as well as an increased casualization, in the use of political violence by legislators in the years II and III.³⁴

The Conventionnel Edmond-Louis-Alexis Dubois-Crancé, speaking in the year III, told his colleagues that “faction[s]” would “not stop asking” for a purge “until you believe that you need one.”³⁵ Contrary to many of his colleagues, he believed that each purge of the Assembly damaged, rather than restored, the health of the National Representation, bringing the possibility of democratic failure closer. Purging was “destroy[ing] the National Representation,” and it was “time” for France to “close this miserable Pandora’s box” and save “what is left of its representatives.”³⁶ The revolutionary public, however, seems to have become used to the expulsions. In the summer of 1795, General Bonaparte, for instance, laconically reported the Thermidorians’ latest purge to his brother Joseph: “Today is to be the purification of the Assembly. It will end in the arrest of eight or ten members. Everything here appears to be going on pretty well.”³⁷ A few days later, he followed up: “The Convention has been purified: 6 or 7 members have been arrested: none of your friends are among them. All is perfectly tranquil here.”³⁸

³⁴ Phrase used by Tallien in regard to how the political trial of former Paris mayor Pache should be conducted in Prairial III. Writing on behalf of the executive, he called for: “a special jury, *revolutionary forms*, and that the tribunal be given the freedom, in case of acquittal, to retain the accused in prison until the peace.” See Mette Harder, “Reacting to Revolution – The Political Career(s) of J.-L. Tallien,” in *Experiencing the French Revolution*, ed. David Andress (Oxford: Studies on Voltaire & the Eighteenth Century, 2013), 102. My italics.

³⁵ Edmond-Louis-Alexis Dubois-Crancé, C.N. 17 Thermidor III, MON 322, 22 Thermidor II, 410–411.

³⁶ Edmond-Louis-Alexis Dubois-Crancé, C.N. 17 Thermidor III, MON 322, 22 Thermidor II, 410–411.

³⁷ “Napoleon to Joseph, Paris, Aug. 9, 1795,” in *The Confidential Correspondence of Napoleon Bonaparte with his brother Joseph, sometime King of Spain* (New York: D. Appleton, 1856), 1:21.

³⁸ “Napoleon to Joseph, Paris, Aug. 12, 1795,” in *The Confidential Correspondence of Napoleon Bonaparte*, 1:22.

By 1795, purges were no longer exceptional, but habitual forms of violence at the heart of France's democracy. *Almanachs* that listed Conventionnels' addresses and departmental affiliations for public use were regularly amended to reflect the latest "shuffles" at the Assembly.³⁹ These *tableaux*, employed by ordinary citizens who wished to contact their representatives, used telling formulations to account for the constant arrests and disappearances in the legislature. *La Convention telle qu'elle fut et telle qu'elle est*, for example, promised its readers a *liste alphabétique, tant des députés [sic] actuellement en fonctions, que de ceux qui en sont sortis d'une manière quelconque*.⁴⁰ The *Répertoire ou série exacte et complète [sic] de tous les représentants du peuple* went further by offering its readers information on whether their representative had recently been "assassinated, executed, deported."⁴¹

The *Almanachs* unsentimentally reflected the consequences of the Conventional terror, normalizing the progressive disappearance of political representatives in the new republic. The expulsions of legislators became so common an occurrence, in fact, that they might no longer have been perceived as acute political crises by contemporaries. But what were their causes? Accusatory speeches, given, between 1793 and 1795, by deputies such as Billaud-Varenne, Saint-Just, Amar, Lecointre or Saladin (all also past, or future, victims of purges) against their colleagues, focused on "factions" and "conspiracies," and frequently hid the true reasons behind the arrests: a complicated web of personal rivalries and hatreds amongst France's legislators, fed by political, military and economic anxieties, and driven by cyclical popular discontent with elected representatives which purgers often exploited for their own ends.⁴² At least by the time of the Reaction, decrees of arrest were also motivated by deputies' desire to avenge the deaths of friends and colleagues or recent mistreatments they themselves had experienced. Due to this, too, the Convention's purges became endemic, leaving a complicated legacy of parliamentary hatred and resentment for the Directory. Contemporaries often described the arrests of legislators as fratricides or patricides, and the purges as a "civil war" – "for what else to call all these interior

³⁹ I would like to thank Stephen Clay for suggesting this term to me in this context.

⁴⁰ *La Convention telle qu'elle fut et telle qu'elle est, ou liste alphabétique, tant des députés actuellement en fonctions, que de ceux qui en sont sortis d'une manière quelconque, leurs noms, qualités et demeures* (Paris: Levisseur et Froullé, 1793).

⁴¹ *Répertoire ou série exacte et complète de tous les représentants du peuple, députés aux Assemblées Constituante, Législative, Convention nationale, Conseils des Anciens et des Cinq-Cents, par ordre de départements, avec des notes historiques, une table alphabétique des noms de ces représentants, etc.* (Paris: Lefort et Moutardier, s.d.).

⁴² See, for instance, Timothy Tackett, *The Coming of the Terror in the French Revolution* (Cambridge, MA: The Belknap Press of Harvard University Press, 2015), 158–159; Linton, *Choosing Terror & "The Tartuffes of Patriotism": Fears of Conspiracy in the Political Language of Revolutionary Government, France 1793–1794*, in *Conspiracies and Conspiracy Theory in Early Modern Europe: From the Waldensians to the French Revolution*, ed. Barry Coward and Julian Swann (Aldershot: Ashgate, 2004), 235–254; Peter R. Campbell, Thomas E. Kaiser and Marisa Linton, *Conspiracy in the French Revolution* (Manchester: Manchester University Press, 2007); Lindsay Porter, *Popular Rumour in Revolutionary Paris, 1792–1794* (Basingstoke: Palgrave, 2017).

dissensions, where so many factions have successively cut each other's throats with the hand of the executioner?...⁴³

Expulsions in the legislature were, however, also part of a wider purging culture in the republic that emerged during the year II. Throughout the mid-1790s, purging, after all, affected numerous levels of revolutionary administration, police and the military.⁴⁴ The Jacobin Clubs gave the perhaps most essential impetus to the Convention's purifications. During a sustained wave of *scrutins épuratoires*, which became commonplace across the network and climaxed in late 1793, club members voted on the personal and political worthiness of members, including deputies, either retaining or expelling them from the Society.⁴⁵ A Conventionnel's loss of Jacobin membership was seen as a first step towards expulsion from the Assembly. At the same time, the Convention's purges also had the power to trigger political cleansings elsewhere, such as in the Parisian municipality after Thermidor.

Revolutionary politicians, as well as varying sections of the public, fervently believed in the exclusion of "suspect" or "guilty" deputies as necessary to maintain a healthy democracy. The idea that a malfunctioning or "sick" National Assembly would benefit from the expulsion of troublesome, false or "impure" deputies notably dominated a purging discourse that, in the absence of elections and an active constitution between 1792 and 1795, advocated for regular eliminations from the revolutionary legislature. Medico-political and "scientific" arguments used to justify the expulsions were central to the creation of the "irrational, disordered, and erotic narrative of corruption" that fed the purges at the Convention by presenting the "healthy state as healthy body, and the unhealthy state as diseased body."⁴⁶ This discourse is usually associated with the Jacobins and the Terror. After the first mass-arrest of deputies on 2 June 1793, Louis-Antoine Saint-Just, in an official report on the victims of that purge, referred to a necessary purification, a process of cupellation, from which the Convention had emerged much stronger: "C'est le feu de la liberté qui nous a épuré comme le bouillonnement des métaux chasse du creuset l'écume impure."⁴⁷ Yet Thermidorian politicians notably continued to use a similar language, as Jean Dusaulx and Henri Larivière, themselves former victims of the purges of the

⁴³ P. Quenard, notice for *Ant. Jos. Gorsas*, in François Bonneville, *Portraits des personnages célèbres de la Révolution*; avec tableau historique et notices de P. Quenard, 4 vols (Paris: Chez l'Auteur, 1796–1802). In the author's collection.

⁴⁴ See Howard G. Brown, *War, Revolution, and the Bureaucratic State: Politics and Army Administration in France, 1791–99* (Oxford: Clarendon, 1995). For a study of *épuration* on the local level from the year II to the year III, see Laurent Brassart, *Gouverner le local en révolution: état, pouvoirs et mouvements collectifs dans l'Aisne, 1790–1795* (Paris: Société des études robespierristes, 2013), 403–408.

⁴⁵ Crane Brinton, as did later historians, explained these incidents on the basis of Jacobinism's almost religious need for political regeneration. Clarence Crane Brinton, *The Jacobins: An Essay in the New History* (New York: Russell & Russell, 1961), 221.

⁴⁶ Ruth Austin Miller, *The Erotics of Corruption: Law, Scandal, and Political Perversion* (Albany: State University of New York Press, 2008), 2–3.

⁴⁷ Louis-Antoine Saint-Just, *Rapport fait au nom du Comité de Salut Public dans la Séance du 9 Juillet sur les trente-deux Membres de la Convention, détenus en vertu du Décret du 2 Juin* (Paris: De L'Imprimerie Nationale, 1793), 31.

previous year, sought to remove Montagnard “impurities” or “cancers” from the Convention that would otherwise “eat up the body politic.”⁴⁸

The Impact of the Purges

Purging struck, according to the Conventionnel Marc-Antoine Baudot, the Assembly’s “most eloquent members,” who “almost all died in the stormy battles of this assembly.”⁴⁹ But it also threatened many ordinary deputies throughout the 1790s, crippling the legislature until it struggled to maintain the semblance of democratic representation. In September 1792, 780 regular deputies and 300 *suppléants* (substitutes) had been elected to the Convention. By 5 Fructidor III (August 22, 1795) there was a total of 703 left.⁵⁰ While the show trials of famous politicians such as Danton and Desmoulins cast a spotlight on the threat that purging presented to the Revolution and its ideals, they were mere symptoms of a far larger problem: parliamentary purging deprived hundreds of deputies of their freedoms, and an exponentially larger number of voters of their representatives.⁵¹

In October 1793, a large group of *Conventionnels* who had been arrested deposited “vingt sept cartes des deputes & une de suppléant” as well as “dix huit cannes dont ils étoient soutenu” with revolutionary officials before being taken to prison.⁵² Many never returned to retrieve their walking sticks or the precious cards that marked their status as representatives of the people. As a result of the Convention’s purges, the delegation of the department of the Gironde, in fact, shrunk permanently by two thirds, from twelve to four deputies. That of Paris, which had consisted of 24 deputies, lost half of them between 1793 and 1795.⁵³ The heavy losses suffered by certain delegations graphically illustrate the practice’s devastating impact on political representation.

The empty “seats” vacated by purged deputies signified not only individual tragedies but also the disenfranchisement of thousands of citizens. Similarly, arrested legislators’ abandoned desks,

⁴⁸ Jean Dusaulx, C.N. 17 Germinal III, MON 200, 20 Germinal III, 156; Henri Larivière, C.N. 9 Prairial III, MON 253, 13 Prairial III, 569.

⁴⁹ Baudot, “Les orateurs de la Convention,” in *Notes Historiques*, 293.

⁵⁰ Tableau comparé du nombre des députés de chaque département en septembre 1792 et en fructidor an III in Jules Guiffrey, *Les conventionnels: listes par départements et par ordre alphabétique des députés et des suppléants à la Convention nationale, dressées d’après les documents originaux des Archives nationales, avec nombreux détails biographiques inédits* (Paris: Société de l’Histoire de la Révolution Française, 1889), XXVI.

⁵¹ For instance, in the case of the mass-purge of 3 October 1793. See Claude Perroud, *La proscription des Girondins (1793–1795)* (Paris; Toulouse: Félix Alcan; Edouard Privat, 1917), which includes a detailed investigation into the deputies’ fates. For repercussions of the purges outside Paris, see Paul Hanson, *The Jacobin Republic Under Fire: The Federalist Revolt in the French Revolution* (University Park, PA: Pennsylvania State University Press, 2003).

⁵² Commune de Paris. Département de Police. 7 October 1793. A.N. F/7/4444, Pl.3.

⁵³ These calculations based on Tableau comparé du nombre des députés de chaque département en septembre 1792 et en fructidor an III in Guiffrey, *Les conventionnels: listes par départements*, XXVIII–XXX.

whose contents were frequently seized, reflected the rupture of a vast networks of constituents that had depended on “their” deputy for patronage, advice, and information from the capital. While some purges removed legislators that were unpopular or even hated by the public, others painfully severed the important relationships that existed between legislators and the population, essential to the regular functioning of, and trust building within, the new democracy. Deputies’ often considerable political engagement was evident in their bulging cabinets, *portefeuilles* and wastepaper baskets, and solicitations for help from ordinary citizens continued to arrive long after a deputy’s disappearance. In this way, too, purges contributed to democratic failure both during the Terror and beyond.

When purged deputies’ possessions went to public auction, such as the suits that Maximilien and Augustin Robespierre had worn on 9 Thermidor, they, too, projected the uncertain state of France’s democracy. In this case, and still covered in the brothers’ bloodstains, the garments were visceral reminders of the recent loss of two active representatives of the people.⁵⁴ The system of *suppléants*, originally designed to replace *Conventionnels* who had resigned or died from natural causes, could not offer adequate relief for the mass-disappearances of deputies. “Seats” left vacant by Maximilien Robespierre and Camille Desmoulins, for instance, were never filled, nor were any of the Girondin delegation as substitutes from that department became themselves the victims of further exclusions. As a result, it became “[rare]” that “over 350” deputies were present at the Convention at any one time.⁵⁵ Finally, many *suppléants*, as electors’ second or third choices, were unable to replace the high-profile politicians whose places they took. Jean-François-Gabriel Vaugeois, who was called up for Danton on 27 Vendémiaire Year III (October 18, 1794) was politically unremarkable and, in fact, “appeared very little” at the Convention.⁵⁶ *Suppléants*, trying to avoid their predecessors’ fates, often remained silent for the rest of the Convention’s turbulent session.

Conclusion

When it dissolved in late 1795, the Convention left a direct, and deeply problematic, legacy of political purging to the Directory, which continued the practice through its various, large-scale coups of the legislative Councils until Brumaire. Those deputies who survived the purges were profoundly altered by the experience. In memoirs written after 1815, some expressed regrets about the “barbaric” killings of their colleagues and even tried to reexamine and preserve the legacies of their former enemies. Others felt little or no remorse. None could satisfactorily explain the astonishing scale, pace and regularity of the Convention’s frenzied expulsions, which remain key dilemmas not only of the Terror but of the entire second half of the Revolution.

⁵⁴ Charles Vellay [C.V.], “Les Derniers Vêtements des Robespierre,” *AHRF* 1, no. 3 (July 1908): 522.

⁵⁵ In addition, a *suppléant* could only replace an expelled deputy under certain circumstances, such as death. Jules Guiffrey noticed the regular lack of quorum at the Convention, also, of course, caused by deputies’ absences when on mission. He captured snapshots of attendance at the assembly in the procès verbaux for elections to the bureau. See Guiffrey, *Les conventionnels: listes par départements*, XXX & XXII.

⁵⁶ Entry on Jean-François-Gabriel Vaugeois, in August Kuscinski, *Dictionnaire des Conventionnels* (Brueil-en-Vexin: Editions du Vexin Français, 1973), 596.

Specific purges of the Convention have been looked at in isolation, but the long-term impact of the practice on the stability and legitimacy of revolutionary democracy in the 1790s is still not fully understood. As an endemic problem, the purges of legislators resulted not only from the Terror as an isolated moment of exceptional violence, but formed a pervasive anti-democratic practice that stretched across several revolutionary regimes and linked them to preceding and successive forms of repressive government. The “painful” and usually self-inflicted “spectacle” of parliamentary purging was part of a lingering political and institutional crisis which centred on a deep dissatisfaction with the representative body, perceived as imperfect by both electorate and elected, and thus perpetually subjected to further mutilations.⁵⁷ Its destructive rhetorics and methods evoked a chronic, yet always ill-defined conflict at the centre of the republic. The victims were progressively criminalized, denigrated, and brutalized through arrest, imprisonment and execution with little regard for the representative person.⁵⁸ The main danger of this entrenched habit lay not in the form of exceptional, but of normalized violence, which physically and morally destroyed the legislature, the republican “community of affections,” and the foundations of government.⁵⁹ In a system where the legislature embodied the nation, the permanent purging of its representatives thus inevitably undermined the very idea of democracy.

Traditional approaches to the year II, based around circumstances and ideology, or to the history of the Reaction, focused on vengeance and transitional justice, are insufficient to fully analyze the relentless self-destruction of France’s main representative body. The purging of legislators, or Conventional terror, in both the years II and III was clearly informed by and must be read as part of wider manifestations, practices and narratives of revolutionary violence throughout the 1790s. Investigating this habit and its impacts, central to revolutionary history, has necessarily meant integrating the purges of the Terror into a larger history of parliamentary violence in the Revolution. It has also required avoiding discussion of the Thermidorians’, at times creative, representations of “the Terror,” and looking instead at the real, long-term ways that the violent practices and languages of the year II actually did impact on successive revolutionary governments’ political habits and mentalities. This approach is not to deny the particular moral dilemma that the year II still presents, or to avoid the question as to why such a high number of revolutionary politicians lost their lives during that particular year. Nor is it to reject the importance of analyzing the Thermidorians’ peculiar reconstruction of their own past.

But the Convention’s problematic history encourages us to rethink revolutionary violence not only in terms of the Terror (or the Reaction), but also in those of a particular form of permanent terror – purging – which became a foundational practice in France’s republican government. Initiated in the year II, but continued throughout the second half of the Revolution, it was characterized by the exercise of sustained and normalized, rather than exceptional, violence in the legislature. As such, it indicates not only significant continuity between the Terror and the

⁵⁷ Thibaudeau, *Mémoires sur la convention et le directoire*, 119.

⁵⁸ See, for example, David Andress, *The Terror: The Merciless War for Freedom in Revolutionary France* (New York: Farrar, Straus and Giroux, 2005), 271–272.

⁵⁹ Saint-Just discussed the need for such a “community of affections” in his “Institutions républicaines,” Troisième fragment, in *Oeuvres complètes*, ed. Anne Kupiec and Miguel Abensour (Paris: Gallimard, 2004), 1137.

Reaction, but also shows how a habitual, destructive practice gradually undermined representative institutions and culture in the form of, and from within, France's most central political space.

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ISSN 2150-4873

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