

## Back to the Future? Ending the Revolution after Thermidor

*Malcolm Crook*

I have been mulling over a comment by Howard Brown, when he was working on the subject, that plenty of historians have written about how revolutions begin, yet few have studied how they end. He quoted a provocative remark from Jean Grenier, an obscure deputy at the Conseil des Cinq-Cents in 1799, whose career concluded after Brumaire: ‘It was necessary for us to be revolutionary in order to start the Revolution, but to finish it we must cease being so’.<sup>1</sup> In fact, this was a constant preoccupation of many, if by no means all, political leaders after 1789, and I was prompted to explore the issue recently when examining the work of the Commission des Onze. It was established by the Thermidorian Convention in Germinal (April 1795), initially in order to modify the Constitution of 1793, accepted but then suspended during the subsequent period of revolutionary government (aka the Terror). In the event, the Commission drafted a fresh document which became the Constitution of the Year III. When the text was discussed in the Convention during the summer of 1795, ‘ending the Revolution’ was a major concern, but still more interesting was the way in which the Commission drew on the work of ‘revisionists’ who had attempted to modify the initial settlement of 1791, before it was put into effect but lasted for less than a year until it was overthrown.

Compartmentalizing the Revolution can lead us to overlook some striking continuities between its later and earlier years and I would argue that this is the case after Thermidor, when a new regime known as the Directory was constructed. To be sure, research over the past few decades has resurrected the reputation of the Republic after 1795, not least by pointing to innovations and achievements, most notably in the financial and administrative domains. However, its perforce republican framework (the Convention was a regicide body) has led to the Thermidorians’ dedication to ending the Revolution, and the constitutional means by which they sought to do so, attracting little attention. In fact, there was a great deal of reference back to the summer of 1791, and the last months of the Constituent Assembly, when members of a Committee for Constitutional Revision had aimed to bring the upheaval to a close. Against a background of persistent unrest, which culminated in the king’s flight to Varennes and the massacre on the Champ de Mars, they altered the electoral system and legislated to curb press freedom and the activity of political clubs. It is the reprise of these measures in the Year III that I would like to highlight here. Although their original advocates were deceased or forced from office, victims of revolutionary violence, it represented a

---

Malcolm Crook is Emeritus Professor of French History at Keele University. He has published extensively on the French Revolution, not least with *Elections in the French Revolution* (Cambridge University Press, 1996). Since then he has been examining elections in France more generally. His book *How the French Learned to Vote. A History of Electoral Culture in France* will be published by Oxford University Press in 2020.

<sup>1</sup> Cited in Brown, *Ending the French Revolution*, 1.

posthumous triumph for their endeavors. Indeed, while Marc Belissa and Yannick Bosc have recently labeled the Directory as a ‘republic without democracy’, it evidently enshrined elements of the former constitutional monarchy.<sup>2</sup>

What ‘revisionists’ had argued in 1791 was that the achievements of the Revolution remained precarious and that the edifice of government needed shoring up if it was to endure. Asserting that democracy was not an option, Antoine Barnave demanded alterations to the electoral system and asked: ‘Are we going to end the Revolution or recommence it?’<sup>3</sup> His colleague Jacques-Guillaume Thouret successfully proposed that the unpopular payment of direct taxes to the value of a silver mark (approximately fifty *livres*) should be abolished as a requirement for eligibility to serve as a national deputy. However, this was only in return for raising the tax threshold for second-degree electors, chosen by the basic and very broad, male electorate, who controlled the election of those deputies. Whereas some 3,000,000 active citizens had been eligible to represent their communities at this level, their numbers would now be severely reduced. Once the Thermidorian Commission had decided to reintroduce a two-tier electoral process in 1795, it immediately resurrected these provisions from the Constitution of 1791, so that less than 1,000,000 voters – all of them owning or renting substantial amounts of property – could become members of the electoral colleges. Thus François-Antoine Boissy d’Anglas, *rapporteur* for the Commission, confidently declared that in future France would be ruled by ‘the best’.<sup>4</sup>

In 1791, in an effort to safeguard the first constitutional project, the revisionists had also passed a law regulating the press, in an effort to restrain what many deputies regarded as journalistic license. Thouret, who introduced the bill, stated that he was not proposing censorship prior to publication, but he delineated a number of offences, to be tried by a jury, if incitement to break the law, or defamation of public officials, was in evidence. On the very eve of the dissolution of the Constituent Assembly, in late September 1791, Isaac-René-Guy Le Chapelier, another member of the Committee, was still pursuing the revisionist agenda, so that, ‘with the Revolution complete [...] nothing would hinder the actions of the duly elected authorities’. Although he had been a founder member of the Jacobins in Paris, he proceeded to deliver a tirade against its countrywide network of affiliated political clubs. These so-called ‘Societies of Friends of the Constitution’, he opined, were nothing but assemblies of agitators, undermining the rule of law every time they ventured beyond the private sphere. Once the Constitution came into effect nothing must impede the operation of government and the deliberations of representative bodies.<sup>5</sup> However, in this case only guidelines were issued indicating the clubs’ responsibilities, rather than a law circumscribing their activities.

In 1795, the lengthy new Constitution incorporated legislation passed or proposed during the summer of 1791 which had aimed to shrink the public space for politics. A series of articles stipulated that ‘no corporations or associations’ were to be established, lest they threaten public order. No assembly of citizens was allowed to call itself a political club and, above all, ‘no society of any sort is permitted to correspond or affiliate with any of its counterparts’.<sup>6</sup> In future, citizens would only be able to exercise their political rights in elections, at which any debate, or involvement on the part of non-electors, was strictly forbidden. Freedom of the press was underwritten, but provision was made for prosecution in cases where the authorities were brought into disrepute. Moreover, the power to arrest and indict anyone suspected of plotting to overturn the Republic could also be employed against journalists.

---

<sup>2</sup> Belissa and Bosc, *Le Directoire*.

<sup>3</sup> *Archives Parlementaires*, 1<sup>ère</sup> série, 28, July 15, 1791, 329.

<sup>4</sup> *Gazette Nationale, ou Le Moniteur Universel*, 12 Messidor III (June 30, 1795), 1136.

<sup>5</sup> *Archives Parlementaires*, 1<sup>ère</sup> série, 31, September 29, 1791, 616.

<sup>6</sup> Godechot, *Les Constitutions de la France depuis 1789*, 140.

Rhetoric about ending the Revolution was freely employed by members of the eleven-strong Commission, from Boissy's introduction of the draft Constitution in June 1795, when he stressed that the basic objective was to 'terminer la Révolution', to Pierre-Charles-Louis Baudin des Ardennes drawing debate to a conclusion in August with a report on implementing the new order that was entitled 'the means of ending the Revolution'<sup>7</sup>. Many of his predecessors had made a similar claim, Baudin conceded, only to be confounded, but this time the outcome would be different. Indeed, a further measure was required in order to consolidate the liberal Republic, one which the revisionists of 1791 had been unable to secure, namely the re-eligibility of members of the Constituent Assembly to its successor (in their case the Legislative Assembly, now the bi-cameral Councils of 500 and the Elders). In 1791 that essential backstop had been scuppered by Robespierre who, with the success of his 'self-denying ordinance', had ensured that on the contrary all of the Constituents would be declared ineligible to immediately stand for national office again. The 'incorruptible' was one deputy who resolutely refused to believe that the Revolution was over in the summer of 1791. When Le Chapelier had announced that 'everyone wants to end the Revolution' and that 'the time for destruction is past; there are no more abuses to abolish, nor prejudices to overcome', Robespierre riposted that he did not share this outlook because, in his view, far too many wrongs remained to be righted.<sup>8</sup>

The extent to which the absence of former Constituents from the new legislature was the reason for its failure can be contested, but the Thermidorians entertained no doubts on that score. Echoing Boissy, who blamed the untried deputies of the Legislative Assembly for its rapid demise and the continuation of upheaval, Baudin drew on an over-used nautical metaphor to challenge his fellow Conventionnels: 'You have constructed the ship of state, but by whom will it be put to sea? Who will be placed in charge of setting sail? And which pilot will take control of the helm?'<sup>9</sup> He went on to suggest that, on account of the dire situation obtaining in France in 1795, the national interest demanded that existing deputies should not only be re-eligible to serve again, but that two-thirds of them must be returned to the incoming legislative councils. There was substantial debate over how the majority of the next legislature (to be renewed by thirds) should actually be chosen – in the upshot that task was left to the electoral colleges – but little dissent over the fundamental proposition, which opponents outside the Convention conversely condemned as 'an assault on the sovereignty of the people'<sup>10</sup>.

A storm of protest over the 'two-thirds' erupted when the new Constitution, together with this proviso, was put to the electorate in a 'referendum', and the Conventionnels were obliged to publish the results in order to demonstrate that approval of the constitutional document was virtually unanimous and only one third of the voters had rejected the 'two-thirds' decree. Despite an ensuing insurrection in Paris, for the moment the new regime was safe and it did last for all of four years, yet without bringing the Revolution to a close as its authors had promised. Those Thermidorians who designed the Directory were not anxious to acknowledge their debt to the constitutional revisionists of 1791, because they had been associated with the short-lived constitutional monarchy, though some reference was made to completing the work of the Constituent Assembly. Yet despite the accumulated wisdom on which Thermidorians were able to draw, they were ultimately unsuccessful and it was left to Napoleon Bonaparte to achieve the elusive goal of ending the Revolution. Presenting a new, and extremely laconic Constitution, in the wake of the coup d'état of Brumaire, 1799, the provisional government proclaimed: 'Citizens, the Revolution is founded on the principles

<sup>7</sup> *Gazette Nationale*, 6 Fructidor III (August 23, 1795), 1351-4.

<sup>8</sup> *Archives Parlementaires*, 1<sup>ère</sup> série, 31, September 29, 1791, 620.

<sup>9</sup> *Gazette Nationale*, 6 Fructidor III (August 23, 1795), 1353.

<sup>10</sup> Cited in Crook, *Elections in the French Revolution*, 127.

with which it began; it is over.’<sup>11</sup> This familiar statement was in fact aspirational, not to say misleading. Unrest was widespread at home and the enemy was rampant abroad. Moreover, the liberal principles of 1789 would be trampled underfoot as rights to press freedom and public assembly were comprehensively curbed. The electoral system would be reduced to a simulacrum of the robust procedure it had still remained, first of all with fixed lists of notables, from whom officeholders would be drawn, then later the 600 *plus imposés* in each department, among whom members of the electoral colleges would be chosen.

However, as stability was restored at home and a brief peace was negotiated on the continent, along with Bonaparte’s overwhelming endorsement as Consul for Life in 1802, a decade-long refrain about terminating the Revolution was finally turning into something of a reality. Of course, the monarchical solution devised by Napoleon would not be lasting. France would experience recurrent revolutions until a democratic republican vessel finally entered port in the late nineteenth century.

### References

- Belissa, Marc and Yannick Bosc. 2018. *Le Directoire. La république sans la démocratie*. Paris.
- Brown, Howard G. 2006. *Ending the French Revolution: Violence, Justice and Repression from the Terror to Napoleon*. Charlottesville, VA.
- Crook, Malcolm. 1996. *Elections in the French Revolution. An Apprenticeship in Democracy, 1789–1799*. Cambridge.
- Godechot, Jacques. 1970. *Les Constitutions de la France depuis 1789*. Paris.

---

<sup>11</sup> *Gazette Nationale*, 25 Frimaire VIII (December 16, 1799), Proclamation des Consuls, 24 Frimaire VIII (December 15 1799)