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Response to Bernard Gainot's review of **Howard G. Brown**, *Ending the French Revolution: Violence, Justice, and Repression, from the Terror to Napoleon*. Charlottesville: University of Virginia Press, 2006. 358 pp. Annexes, notes, bibliography and index. \$45.00 U.S. (cl). ISBN 081-39254-60.

Response by Howard G. Brown, Binghamton University, State University of New York.

In order for readers to understand Bernard Gainot's review of my recent book, it is necessary for me to quote Timothy Tackett's contribution to the dust jacket (which will naturally be missing from most library copies of the book):

In his fascinating new book, Howard Brown entirely rethinks the oft-neglected final years of the French Revolution, from 1795 through the advent of Napoleon. At once thoroughly researched, theoretically sophisticated, and attune with the latest interpretive debates, the book explores the tortuous struggle by which the leaders of the Directory and the early Consulate attempted to reconcile security and liberty, popular sovereignty and constitutionalism, expediency and the rule of law. It is a remarkable synthesis that will remain essential reading for anyone interested in the French Revolution or in revolution in general.

I was honored—and exceptionally pleased—to receive such a glowing blurb for my book, but this dust jacket praise appears to have irked Professor Gainot, for his review is a concerted effort to refute it. In the course of doing so, he repeatedly misrepresents the contents of my book.

Much of Gainot's criticism of my book is based on challenging its merits as a "synthesis." He writes: "Cet ouvrage se présente donc comme une synthèse," "il faut élaborer une synthèse authentique...," "Peut-on construire une synthèse sans présenter toutes les facettes de la réalité?," and, in conclusion, "Mais la synthèse, qu'il [Brown] considère inédite, n'est pas fermée." Whereas Tackett's use of the term "synthesis" refers to my having combined thorough research, theoretical sophistication, and engagement with recent debates, Gainot clearly believes that I attempted, but failed to achieve, a synthesis of all the factors that shaped the French republic from 1795 to 1802.

At no point in the book, however, do I claim to be writing a synthesis. *Ending the French Revolution* is a historical monograph the focus of which is expressed clearly in the subtitle, *Violence, Justice and Repression from the Terror to Napoleon*. It is hardly surprising, therefore, that it does not discuss the Consulate's restoration of slavery or abandonment of "écoles centrales," or that when newspapers, parliamentary debates, and electoral politics are analyzed, it is in relationship to issues of public order. Furthermore, it is doubly false to suggest that my book is an inadequate synthesis because it is silent on the close links between foreign developments and domestic ones. In fact, earlier in the review, Gainot charges me with failing to devote sufficient attention to the foreign war, except in terms of its indirect effects (presumably in France itself). In these latter terms, which are the terms of the book itself, the reader will find discussions of the war and its domestic impact scattered throughout. Not only is the war effort not marginalized, it is treated as one of the four most important national forces destabilizing the republic (see especially pp. 33-36 and the graphic on p. 268).^[1] Gainot further muddies the water by asserting that I have reduced the complexity of the period to "une perspective de 'militarisation' croissante," a claim that completely ignores the book's sustained emphasis on civilian justice as well the concept of "liberal authoritarianism" that I used to encapsulate the essence of late first republic.^[2] Some of Gainot's other criticisms of *Ending the French Revolution* seem equally related to Tackett's blurb. For example, the remark that "une référence plus fouillée aux catégories de la pensée politique aurait été utile" seems aimed at discrediting Tackett's statement that the book is "theoretically sophisticated." Gainot criticizes my juxtaposition of Hobbes and Rousseau on the grounds that they shared a similar

concept of sovereignty, which utterly obfuscates my point, namely, that by the time the French Revolution ended, the principal source of legitimacy for the republican regime was no longer democratic participation, but a concentration of state power capable of preserving public order. Furthermore, Gainot completely ignores the book's engagement with other political theorists ranging from Hannah Arendt and Sergio Cotta on violence to Carl Schmitt and Giorgio Agamben on states of exception, not to mention the various conceptually bold interpretations of the French Revolution advanced by the likes of François Furet, Mona Ozouf, Lynn Hunt, and Pierre Rosanvallon.

Last but not least, Gainot takes a grudging attitude toward the idea that my book may have been "thoroughly researched." Though willing to grant that I support my argument with "une documentation solide," he quickly implies that I used a biased research strategy.[3] He then later claims that my analysis of the relationship between the rule of law, a regime of exceptionalism, and practices of violence lacks specificity and has not been historicized. This is perhaps the most breathtaking criticism in the entire review. I am obliged to say to those who have not read this book and are considering doing so, you will find a wealth of statistics, examples, and extended anecdotal evidence, as well as two chapter-length case studies, one on the guerrilla insurgency known as *chouannerie* and another on a family feud in the western Cévennes that turned into a regional spate of political murders, spectacular heists, and vicious repression. In fact, the supporting evidence is so extensive that I needed to remove a third case study and publish it separately in order to keep the book commercially viable.[4] Much the same point needs to be made regarding the book's use of specialist scholarship. As I state on page 371, "restraint has been exercised in multiplying references to secondary sources." That still left sixty pages of small-print endnotes in which the attentive reader will find that I engaged with most of the authors mentioned by Gainot in his review as well as the volumes that arose from the conferences dedicated to the transition from the Directory to the Consulate. My engagement ranged from relying on these authors' conclusions to exposing gross errors in their research.

Of course, Bernard Gainot's important book, *1799, un nouveau Jacobinisme?* (Paris: ECTHS, 2001), also receives a number of citations, some of which follow passages that disagree with his central arguments. Therefore, rather than engaging with every criticism, stated or implied, in Gainot's review, which fair-minded readers can do for themselves, I will conclude my response by highlighting the main interpretive disagreements between us. I will treat these in the order of their appearance in his review. First, he challenges my use of the phrase "liberal democracy" to describe the Directory on the grounds that it is both a verbal anachronism and an inaccurate descriptor. This is the equivalent of claiming that feminism cannot be used to describe anyone's thoughts and actions before Hubertine Auclert first put the term into circulation in the 1880s. More important, my book makes it clear that "liberal democracy" is shorthand for describing a regime which was initially established on the basis of constitutionalism, individual rights, the rule of law, and freedom of the press (the "liberal" part) and which held local and national elections every year as well as employing citizen-jurors for criminal trials (the "democracy" part). Just how the Directorial regime compromised the "liberal" part of this formula is as important to my book as how it compromised the "democracy" part is to Gainot's book. Therefore, the main disagreement between us on this point would appear to be whether restricting voting and office-holding to the prosperous, as the Constitution of Year III obviously did, makes it inappropriate to use the term "democracy" for a regime that held annual, albeit badly compromised, elections every year.

Second, Gainot and I clearly disagree over the significance of the coup d'état of 18-19 Brumaire VIII. Whereas it is an exaggeration to say that in my book "brumaire fait figure de non-événement," it is true that I argue for the greater significance of the coup d'état of 18-19 Fructidor V. Once again, I will leave it to the reader to weigh the evidence I use to support this interpretation.[5] In the meantime, those who will only read Gainot's review and my response need to know that the central thrust of Gainot's own book (mentioned above) is expressed in its subtitle: *La démocratie représentative, une alternative à brumaire*. In other words, where I find growing use of unconstitutional measures and increasing authoritarianism in the years after Fructidor to be evidence of an emerging "security state," Gainot considers the resurgence of Jacobinism in 1799 to be evidence of the democratic potential in the Directory. Though his study is important for understanding the actions of radical republicans in the late Directory, it largely overlooks the intolerant policies and practices they pushed. It is no accident that the

principal label for them used by contemporaries was “les exclusifs,” not Gainot’s preferred term of “néo-jacobins.”

Third, my book attempts to explain the period 1795 to 1802 as the ending of the French Revolution. I do not claim “très exactement” May 1802 as the terminus; rather, I argue that a variety of revolutionary conflicts that had made it impossible to establish a stable regime earlier were finally resolved and the character of the post-revolutionary regime truly fixed, not – as Gainot would have it—in November 1799 when the executive gained the upper hand over the legislature and most elections were abandoned, but in August 1802 when the Constitution of Year X made the republic into a life-long dictatorship. I argue that many of the solutions devised by the early Consulate, such as an amnesty for émigrés, peace with the Church, peace with victory in Europe, and combining political ecumenism with purges of opponents, were only made possible by a steady increase in heavy-handed repression, militarized policing, and bureaucratic surveillance, and at the expense of both liberal and democratic values. The evidence that the new regime’s legitimacy reflected Hobbes’ vision of the polity more than Rousseau’s is evident in the unrigged plebiscite of 1802 that made Bonaparte First Consul for Life.

No doubt Bernard Gainot and I will always disagree on these three points of interpretation, and others besides, but I make no apology for not including a question mark in the title of my book as he did in his. If he wishes to keep the debate going, as his final paragraphs suggest I should seek to do, he could begin by presenting the work of fellow historians with greater accuracy and generosity of spirit. It is unfortunate, and not at all Timothy Tackett’s fault, that his statement of support for my book, should prove so apparently provocative.

NOTES

[1] Elsewhere I make such arguments as: “the recrudescence of *chouannerie* in the summer and autumn of 1799...was less a sign of domestic collapse than a symptom of the international effort to defeat the republic” (p. 259) and “Such widespread lawlessness [in year VIII] grew out of the Consulate’s decision to continue pursuing the Directory’s war aims while simultaneously undertaking a huge reorganization of the state’s administrative and judicial apparatus” (p. 302). For more such statements, see the thirty-four page references indicated under “war” in the index.

[2] I have to admit that the remainder of Gainot’s discussion of “militarisation” as if it were central to my book is rather baffling to me. First, my book does not assume that French society was without conflict on the eve of the French Revolution; second, I provide substantial evidence that the Directory came to rely more heavily on the army to preserve order than had the monarchy in its last years, a point which Gainot does not question; third, even if civilian authorities had the upper hand over the army in constitutional terms, this was frequently ceded *de facto* to local commanders. For example, by mid-1799 the Directory had given district army commanders the power to proclaim any municipality in a “state of siege” across 40 percent of France.

[3] He also claims that I selected four departments in different parts of the country for particular due to their “haute dose de conflictualité.” This contradicts my methodology as explained on pages 16-19, which avoided extremes of either quiescence or conflict in order to be more representative.

[4] See Howard G. Brown, “Revolt and Repression in the Midi Toulousain (1799),” *French History* 19 (2005): 234-61.

[5] Though it is always dangerous to suggest that a reviewer did not read a book thoroughly enough, I do not understand how Gainot can claim that the laws of 19 Fructidor were “*de facto caduques*” after the elections of 1798 when my book provides substantial statistical evidence of the continued operation of military commissions to try returned émigrés right down to 1800, a widespread increase in the use of the “state of siege” in 1799, the continued persecution of priests until the early Consulate, etc.

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