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Bates, David

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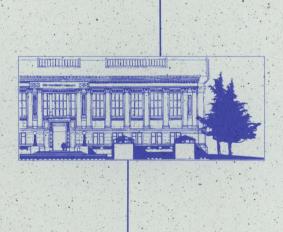
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David William Bates

Creative Negations:

Defining the Space of Politics in Revolutionary France



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Morrison Library: Alex Warren

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PREFACE

The goal of this series is to foster scholarship on campus by providing new faculty members with the opportunity to share their research interest with their colleagues and students. We see the role of an academic library not only as a place where bibliographic materials are acquired, stored, and made accessible to the intellectual community, but also as an institution that is an active participant in the generation of knowledge.

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Editorial Board

CREATIVE NEGATIONS:

DEFINING THE SPACE OF POLITICS IN REVOLUTIONARY FRANCE

Te are all familiar with the brutal and extreme violence of the French Revolution. Organs and body parts dangling from pikes in symbolically gruesome street executions in the early days of the Revolution. The often deadly violence of the Great Fear in the summer of 1789. The terrible butchering of criminals and others in the courtyards of the Paris prisons during the September Massacres in 1792. The systematic machinery of death in the Terror. Perhaps the civil wars that plagued successive revolutionary governments engendered the worst spectacles of violence. We think, for example, of the mass shooting of bound counter-revolutionaries in Lyons, their bodies falling directly into freshly dug graves, a chilling echo of the Einsatzgruppen. Or Carrier's infamous noyades, mass drownings in the Loire carried out because the guillotine was too slow for immediate military reprisals in the West. We think of the near total destruction of parts of the Vendée, where, we are told by some sources. republican troops in Turreau's so-called "infernal columns" bayonetted children and the elderly in order to save on ammunition. And violence would continue: there were bloody anti-Jacobin reprisals known as the White Terror, there was organized criminal violence that followed the collapse of legal order in many parts of the country, and then there were the repressive actions of a Directory government trying to manage violent conflict with its own state administered violence.

And yet, as Hannah Arendt once wrote, the "French Revolution, which ended in disaster, has made world history." But the legacy of the Revolution was not, of course, the legacy of violence, civil war, and authoritarian state structures. What was important about the Revolution was its democratic inspiration. For Arendt at least, this ideal was not, however, simply the ideal of a democratic form

of government; this was something the Americans had realized with great success but with little effect on the world historical stage. What was critical to the "success" of the disaster of the French Revolution was really the ideal of total revolutionary transformation, the creation of a new society purged of misery and oppression and inequality, purged, that is, of its own history.

Of course this spectacular conjunction of extreme violence and the ideals of liberty, equality, and fraternity cannot help but raise the question of the *relationship* between the aim of revolutionary democracy and the reality of death. How can we explain the paradoxical juxtaposition of a nation marked by intense fracture and a political program founded on the "unity and indivisibility" of a people who desired only freedom and equality?

Clearly, there is no reason to assume that there could ever be a single explanation for an event as complex as the French Revolution. Historians can, obviously, consider a number of contexts that would frame an understanding of particular conflicts ranging from political and economic factors, to complex social conditions, religious and regional allegiances, and even individual psychological profiles. And yet, such an emphasis on the particularity of revolutionary conflicts inevitably leads to a radical fragmentation of the Revolution—something we see in the brilliant work of Richard Cobb, or any number of excellent regional studies. Which means, I think, that if we want to explain the Revolution at all, we must first locate some essential unity to this event, something more concrete than the mere contiguities of territory and chronology. And clearly one of the most useful ways to think the Revolution as "event" has been to isolate its political form, for whatever transformations we may trace in late eighteenth-century France,

the genuine discontinuity of Revolution was manifested in the nature and structure of the state.

And so there has always been a lingering fascination with the possible connection between the democratic political ideals of the Revolution and its most extreme and violent episodes, episodes that arguably haunted nineteenth-century Europeans in much the same way as the destruction of the Jews haunts our own post-war culture. But while early conservative critics of the Revolution, such as Edmund Burke or Joseph de Maistre, did not hesitate to draw a direct line between politics and social chaos in France, the desire to connect democracy and violent death is not confined to conservative traditions of thought.

Beginning very early with figures like Benjamin Constant, who wrote in the wake of the Terror in France, we can trace repeated efforts to pathologize not the democratic ideal itself but rather a flawed form of democracy. Contrasted with healthy liberal and constitutional democratic practice, which seeks to protect individuals from social and political violence, is a democracy that might be called "totalitarian" or revolutionary, where the state is understood to be the positive organ of a united popular will. We associate violence and excess with the latter, and stable legal order with the former.

This distinction is in essence the foundation of Arendt's critique of revolutionary politics as it appears in France. As she explained, the crucial step that the Americans made, and which guaranteed the success of their Revolution, was the critical separation of "law" and popular will. Law and power were not derived from the same origin. Law was the product of a tangible, worldly entity, the Constitution, and as such defined a concrete and protected political space

that was not subject to radical subversion in the name of the People, whether that subversion took the form of street action, elections, or public opinion polls.² However, the French, Arendt said, subordinated the political and legal order to the will of the people, which was of course the origin of revolutionary legitimacy in both France and America. But by failing to separate the space of politics from the "people" who occupied the social realm, the revolutionaries opened up themselves and France to the "boundless violence" that followed. As Arendt explained: a will has no determined limits, no boundaries, and when a will must face what she calls the forces of nature and society, which are inherently ungovernable, any violence can be justified. In the endless war against social misery, an endless number of enemies would be fought and killed in the name of the People. "Politically speaking," Arendt writes, "the evil of Robespierre's virtue is that it did not accept any limitations."3

This gesture has been repeated in a number of different contexts. Habermas, for example, also located the failure of the French Revolution in this inability to properly separate political forms from "society." If the Americans, he said, left society alone to function according to natural laws, conceptualizing politics as a restraint on excess only, the French believed that the state must seek to recreate the "natural laws" in society, laws that had been partly extinguished through years of corruption and depravity in the Old Regime. Habermas concludes: "For this, omnipotent political power is required and also the democratic integration of this power in an ever present political will." Terror is here implicit in the Revolution from the start.

This political "pathology" has of course been most clearly developed in the revisionist historiography of the French Revolution. The idea of a collective sovereign leads the Revolution to deadly extremes. As François Furet first argued, revolutionary political space was perverse because it had to create itself from nothing; its legitimacy came from nowhere, from the People considered as a unitary and singular identity. And therefore this space could only ever constitute itself negatively, by eliminating, in a Hegelian fashion, the concrete diversity of real French society, which was defined, for Furet, in terms of difference. interest, and conflict.5 The victims of the Revolution were conjured up by the revolutionary imaginary. The Terror, for Furet, was an attempt to "correct" reality.6 Violence, then, is both sign and product of a fatal mistake: the failure to understand that there was no "general will" of society which the state could transparently embody. So Furet, echoing Carré de Malberg's late nineteenth-century position, argues that the end of the Revolution, the end of the pathology that is, would come only when the mythical "sovereignty of the people" was replaced by a concrete and therefore stable "sovereignty of institutions." Institutions are the space where difference and conflict are managed, and they must be protected from attacks made in the name of a metaphysical fiction, the "people."7

In his later work, Furet located this return to sanity in the Third Republic. But it is worth noting that in his most influential book, *Penser la Révolution française*, he traced this foundational moment to none other than Napoleon. "Bonaparte," Furet writes, "could only 'close' the Revolution because he embodied a plebiscitary version of it. Society was thus finally able to set up a government that, while deriving all its power from society, remained independent of it, even above it, like the Terror." This rather remarkable statement does I think raise two interesting

problems. First, Furet, like so many other critics of revolutionary democracy, here assumes exactly what is in question: the essential unity of a "society" capable of deciding its own political future. Any argument that the Revolution "failed" to secure stability in France presumes the existence of some transcendent entity, "France," that has a substantial unity outside of its political form. Second, Furet draws attention, however obliquely, to the inherent violence of democratic foundation; who could ignore the deadly measures that Bonaparte would use to "secure" this autonomous political space that would prepare a future constitutional state?

With these difficulties in mind, I want to turn to revolutionary political discourse, to see how some key figures understood the nature of political space. How would this space be defined, and what would be its relationship to French identity? Finally, how can we conceptualize violence in this context?

For those who like to see the French Revolution as a political pathology, Rousseau is almost always understood to be an originary virus of some sort. The story goes like this: Rousseau said that the general will is the only legitimate foundation of politics, but the general will cannot be represented. Legitimacy in the Revolution was therefore located not in political institutions but instead in those who "embodied" the general will or spoke in its name. And anyone who resisted this will had to be eliminated, since the general will is unanimous according to Rousseau.

But what did Rousseau really say? One can trace a rather different story within the *Social Contract*. It often goes unremarked that the contract itself is preceded by a situation of extreme danger, one where the life not only of

the individual but the human species itself is threatened by a nature that can no longer be mastered. Individuals must "create new forces" by grouping together because they all face death. A social contraction, then, precedes the actual contract, which is, as we know, an agreement to unite. But to unite for a specific purpose, says Rousseau: to defend life with the power of concerted action, to "overcome any resistance," as he puts it. 10 But the social contraction has opened up a new threat to the individual: the threat of the other. And so the formal structure of the contract must create a unity of action that will oppose both external threats and the internal threat created by the very necessity of group formation. There is no preestablished social harmony. The decision to be a group is in fact an existential decision for survival, and nothing more. It has, at this point, no actual content.

So something new has been created here, a political unity predicated on the non-political difference of individuality, but we do not have a political space as yet, a space that would make this unity visible or tangible, that would give it, in other words, concrete content.

So where is this political space? The general will, general in the radical sense of having no desire other than existence and preservation, seeks a concrete form of appearance in order to act. "For the original act by which the body politic is formed and united does not determine what it shall do to preserve itself." And Rousseau will tell us that law is what translates the existential decision for unity into concrete forms of action. However, we know that law has to be made, but by whom? Does the body politic, Rousseau asks, have an "organ" to declare its will? Not really. So Rousseau's solution, famous for its eccentricity, is this: the law must be made by the Lawgiver, a

political Christ figure who can articulate from the outside what is intrinsically inarticulate: the mute general will of the people.¹³

What can we take from this seemingly impractical definition of foundational law? First, any foundational law, Rousseau says, rests upon a previous decision to create a political unity, so the legitimacy of any law derives not from its content but from the foundational agreement to act politically, understood as a necessary means of survival. Second: the technology of government is necessarily vague. Political unity has at its origin no content, so the translation of this unity into concrete decision and administration can take any number of forms. Government, Rousseau tells us, is a "provisional form" instituted by the people, and it can be changed as the people please. But Rousseau immediately notes that we must take care to distinguish a legitimate transformation from a seditious tumult, the will of the whole people, that is, from that of a faction. But, he adds, we also need to recognize that this ambiguity can be exploited by the public power, who might seek to prevent legitimate assemblies of the people designed to reestablish good government. But what are these "formalities"? Rousseau says, in the end, that the sign of legitimacy is not in the form itself but in the foundational decision to obey the unity of the political body, a decision that could be manifested, for example, in a massive plebiscite to approve or reject any "present form."14

If we turn to Sieyes' massively influential pre-revolutionary pamphlet, What is the Third Estate? we find, amidst the sharp polemics, an intriguing story that narrates the structural knot of political form elaborated in the Social Contract. 15 He begins with the fundamental unity of any given society: we might say that this society has no real

structure beyond, as he says, "the wish to unite." After a time, Sieyes explains, the decision simply to be becomes the decision to be something in particular; the community begins to act as a community. Sieyes tells us that these decisions of the community, to be legitimate, must be unanimous. Or rather, there is no decision until agreement has been reached, since in this early stage of society, there is as yet no separate political body or leader. (Though there is a political space: the space where decisions are made after discussion and argument.)

The key turning point in Sieyes' narrative comes when the size of the community makes collective decisions too difficult. This is when representational government is founded, when political space is founded. A portion of the nation is, quite literally, he says, "detached" from the nation. But what is the role of the representative here? For Sieyes, the political representative represents not "will" or interests but rather the labour of forming collective decisions. And this is real labour, for the decision is never automatic, never obvious from the beginning. Each person arrives in the political space with particular views, particular opinions, that must, in the end, be "fused" into one, as Sieyes noted in another 1789 pamphlet on methods of representation. 16

The difficulty of the political task—to discover unity in difference—required a certain kind of ability. This is what lies behind Sieyes' infamous distinction, in the early stages of the Revolution, between active and passive citizens, and what grounds the income restrictions imposed for those who were to become members of the new Legislative Assembly. Was this an anti-democratic move, as William Sewell has forcefully argued in his recent book on Sieyes?¹⁷ Perhaps not. Sieyes recognized that the political

unity of the nation rested on a foundational decision to be a nation; however, what this unity actually meant in concrete circumstances was never entirely clear. Individuals had to have, as Sieyes put it, both the interest and the capacity for locating the common; and wealth, for Sieyes and many others, was a fairly good indication of both the education and political independence necessary for the task. ¹⁸

Still, why the assumption of a common interest in the first place? Speaking in the National Assembly on the Constitution and the Rights of Man in the fall of 1789, Sieyes made this remark: "law, being a common instrument, the work of a common will, can have as its object only the common interest. One society can have only one general interest. It would be impossible to establish order if one supposed it to run with many opposed interests." Sieyes was not talking about some occult metaphysics of identity. He was articulating a structural necessity. The legitimacy of any legal order rested on the foundational decision to obey a common political unity, to have a common interest in order.

Did Sieyes believe that unanimity was the mark of legitimacy then? Not quite: in his earlier pamphlet on representation, Sieyes was more than willing to locate the decision in the majority, since in a large nation unanimity might be impossible, but he added this crucial reminder: "It is therefore absolutely necessary to resolve to recognize all the characters of the common will in an accepted plurality." Majority decisions were legitimate because of a prior unanimous decision to recognize them as legitimate.

But did French society in 1789 have the "unity" that could define a common interest, however conceived? Sieyes

was in fact well aware of this problem: but he believed. like Rousseau, that what was foundational was not some given harmony of interests but the decision to form a unity that would seek to discover a common interest in any concrete situation. Which meant that Sieves was more than willing to protect the political space from anyone opposed to the project of unity (at this foundational level). Opponents were identified through negation. Whoever defended "privilege" for example, literally "private law," against the common laws of a united nation, was not actually part of the nation. "Do not ask what place the privileged classes should ultimately occupy in the social order," wrote Sieyes in What is the Third Estate?; "that is like asking what is the appropriate place in the body of someone who is ill for a malignant tumour that weakens and torments him. It is necessary to neutralize it, to reestablish the health and activity of all the organs, so that these morbid combinations, which poison the most essential principles of life, will not form again."21

This in essence describes the course of the early Revolution: the National Assembly declares itself the space of national unity, it extends its power into localities throughout France, various groups resist these political forms, while many people actually take up arms to defend this space from resistance. A new France within the borders of the old France took shape, and it produced from the start both enemies and exiles.

However, if enmity could be defined through negation early in the Revolution, the concrete voice of this unity in normal conditions, its positive translation so to speak, was far more problematic. There was an essential gap between the nation and the "detached" sphere of the political, a gap that introduced of course the potential for de-

viation. A concrete constitutional form; the legal order a government would establish; particular decisions that would execute the law—they all derived their legitimacy from the initial decision of the people to obey the formal expression of itself as a political unity. But what would guarantee that the space of politics would produce a legitimate order, and legitimate decisions?

This question emerged early in the constitutional debates, in discussions over the role of the king, that took place early in September 1789. The problem was this: given that the nation's unity had no actual content, given that the nation's will required a concrete form in order to act, what kind of organ would best articulate the formless desire for unity? It was recognized that the accuracy of any concrete political form or decision could never be measured against some preexisting standard. For this reason, constitutional debate centered not on truth but instead on error. Who or what was more likely to err in the task of discovering the desire for unity in any concrete situation? Although the "general will cannot err," as more than a few deputies intoned, paraphrasing Rousseau, elected bodies could very well deviate, intentionally or not.²²

Various, often unsophisticated techniques for controlling error would be proposed, such as the rapid turnover of deputies, so error could not take root; or the multiplication of representational organs to counteract any one deviation. But one of the more contentious positions, of course, was the claim that the king himself ought to be considered a source of correction, since he was, in a way, the perfect embodiment of the people's general will. As Mirabeau would say, his interests, as an individual, were identical to the nation as a whole. The king was the "perpetual representative" of the people, and his veto (alongside control of the military forces of the nation, of course) would check the powers of the legislative assembly. More important were his executive responsibilities though: "upheavals and dismemberments would be infinitely to be feared if there did not exist a force adequate to reunite all the parts, and to turn their activity to a common center."²³

As an alternative to a democratic dictator, the monarchiens²⁴ suggested the creation of a constitutional document that would be the highest authority. This tangible, clear form would be something that could always correct the errors of any one elected assembly, and, significantly, correct the errors of the multitude as well when government was threatened. Of course, a piece of paper cannot defend itself, so deputies like Malouet would propose, in addition, that the monarch would be given the function (and abilities) of guardian of the constitution. The king would protect the Constitution absolutely, because only through this particular document would he even exist.²⁵

Of course, most revolutionaries would resist any move to empower the monarch any more than necessary, and in the end voted for what was called the suspensive veto. Here, the final decision would rest with the people, who would either reelect or depose their representatives accused by the king of "error." Surprisingly perhaps, Sieyes resisted the suspensive veto, this minimal form of "correction," not just because he felt the king would be highly susceptible to error, but, more importantly, because he thought that this "appeal" to the people was extremely dangerous. For Sieyes, the people's will was not something that already existed, to be represented accurately or not. As we saw, the concrete will must be formed by a representational process. The will, in other words, did not exist

outside of some political space of formation. What had made the national form of political assembly necessary was the very fact that there was no political space that would accommodate the entire population. There was, in other words, no form through which the people could speak, other than the form of the elected assembly. Sieyes said this very clearly in a very intriguing pamphlet on the Constitution, published in the summer of 1789: "although the national will is . . . independent of all form, still it must take one on in order to make itself understood," literally in French to make itself heard. The silent people would speak through the assembly, which should not then be corrected by the individual voices of uninformed individuals, whether citizens or the king himself. The silent people would speak through the assembly which should not then

And yet, Sieyes also feared constitutional rigidity. As he noted first in What is the Third Estate? a people could find itself in danger if unusual circumstances arose, circumstances not foreseen by the normal forms of government and law. The people's desire for unity must take on a concrete form, but it is possible, perhaps even likely, that the time will come when this form must be transformed or abandoned in favor of a new form. The crisis cannot be predicted: it might be corrupt officials, a national emergency, long term structural changes in society, historical developments. The Revolution itself was one such moment.

How did Sieyes imagine this exceptional act? "Since a large nation cannot physically assemble itself every time circumstances outside of the common order might demand it," Sieyes wrote, "it must entrust extraordinary representatives on these occasions. If it could meet before you and express its will, would you dare dispute it, because it is exercised in one form rather than another? Here reality is

everything, form nothing."²⁹ Reality is everything, it is without preestablished form, but it must take on a form "in order to be understood." And that form, of course, was a concrete political space, occupied by concrete individuals seeking to protect and establish again this foundational decision for unity.

The question here, of course, was one of recognition: how to know when the people's spirit of unity has left the ordinary form and entered a new organ of expression? The legitimacy of any one particular organ was, we might say, perpetually under review. As Sieves once noted, every political act, every decision, every administrative execution was always a representation of the people, which meant its legitimacy derived from that foundational spirit.³⁰ But how to recognize legitimacy? I think a reference to Rousseau is useful here. He said: "yesterday's law is not binding today, but silence gives a presumption of tacit consent and the sovereign is taken to confirm in perpetuity the laws it does not abrogate while it has the power to abrogate them. Everything which it has once declared to be its will, it wills always—at least until it issues a revocation."31 The political task then lies in identifying true "revocations" from factional resistance or enemy attack.

The early revolutionaries were hardly unaware of this problem, and a real fear of prolonged instability helps explain the turn to the center and the ascendancy of leaders like Barnave. More conservative than figures like Sieyes, Barnave, still located the legitimacy of political form in its relation to national will, unlike those on the right. But Barnave worried about what effects the revolutionary trauma would have on a body that could only be described as ill and feverish. He feared that those interested in disruption and disorder, those who would actually profit from

these "extraordinary" situations of crisis, might well try to provoke those very crises, to the detriment of the body politic as a whole. There was a fear, in other words, of repeated and illegitimate claims for revolutionary transformation. At the same time, likening the nation to a biological cell, Barnave thought that if the "tissue" of political form was too rigid, too inflexible, the internal pressures of the nation could build and burst the walls, as in 1789. Still, if the form was not rigid enough, it could not contain these same pressures.³² Navigating the complex political life of this early revolution, Barnave increasingly emphasized the importance of stable political forms so that the "health" of the nation could be regained. The best remedy for revolutionary fever, he said, was "the religious cult of the law."33 For Barnave, this meant that the space of politics had to be secured (this is why he advocated, if not a hereditary monarch, at least a life-appointed senate) and at the same time had to bring together individuals capable of identifying and defending the interests of the nation against the desire for disruption that characterized those who, as Barnave said in 1791, "fatten and grow, in troubled times, like insects in putridity!"34

What happens as we move toward the promulgation of the Constitution in the fall of 1791 is, of course, a rapid decline in support for the new political space that was to come into effect. The king's flight to Varennes was obviously crucial in this context: how to have confidence in a monarch who had decided to flee the political nation he was supposed to lead? Not surprisingly then, the Constitution was ultimately a failure. Not for technical reasons, but rather because the spirit of political unity was simply not present in these institutional organs.

From this perspective, August 10, 1792, was a genuine revolution, a moment when the people broke through the legal order and founded a new political space. Of course, this collapse of constitutional government in the face of violent mass action has also been interpreted as a move toward Terror, toward a dangerous politics of popular "will" that inevitably undermined the healthy stability of any system of "representation." And only weeks later, we should note, close to 1,400 people were slaughtered in the September Massacres.

Still, it is interesting and I think important to note that Robespierre himself would describe the revolutionary moments of both 1789 and 1792 not as eruptions of the people's unmediated will but rather as representative actions. The nation, he explained, cannot appear as itself, it requires a conduit of some sort, an organ that can manifest its "spirit." The vast nation, he said, "needs a foyer of enlightenment and energy, from which the public spirit can communicate itself to the infinite multitude of all the tiny sections that make up the universality of the French people." Paris, for Robespierre, was that concrete space, a fover, where this spirit was embodied, for the reason that Paris was where the crisis of the nation was located at that particular moment.35 Those who had saved the nation in the summer of 1792 must, he said, "be considered as tacitly authorized to act by proxy for the entire society together."36 More an example of Sieyes' "extraordinary representative" than the blind occult force of popular sovereignty, this revolutionary action was necessarily limited. As Robespierre noted, after the king had been captured, the crowds did not continue to "agitate tumultuously." Instead, they charged delegates with full power to maintain liberty and safety. Without this move to create a tangible political space, Robespierre says, "insurrection would flow away like a torrent, without leaving any traces"³⁷ A similar structure is evident in the September Massacres. Executions were carried out by improvised tribunals, with judges and juries, an indication, as Brian Singer has said, that what was being rejected here was not so much law as the representatives of the law.³⁸

We might also note that Robespierre had earlier criticized the 1791 Constitution precisely because its inflexibility encouraged insurrectional action. Insurrection would never be constitutional, he noted. But there is always a possibility that cases would arise where the people would like to review the foundations of the constitution. Though Robespierre did not outline a constitutional remedy for this problem (and we can ask whether there really is such a thing), his main concern here, like so many other revolutionaries, was the problem of political error. What could be done to protect political space from corruption or aberration and thus avoid what both Barnave and Robespierre called the "terrible" right of insurrection?

To understand Robespierre's position, we need to return to September 1789, to the debate over the king's veto. In the National Assembly, Robespierre called Sieyes' speech on this question "profound." In his own pamphlet on the topic, Robespierre repeated Sieyes' objection to the idea that the king would somehow be less subject to error than elected representatives. But Robespierre also repeated Sieyes' strong criticism of any "appeal to the people." Robespierre points out that it is precisely because the people cannot make decisions on their own that politics was necessary in the first place. Of Still, Robespierre, in this pamphlet and elsewhere, admitted that legislators might well err in their task. Did the people not have the right to "correct" its own organ?

In his early interventions in the Assembly, Robespierre stressed the importance of a close connection between the people and its representatives, and was never willing to use the logic of representation as a kind of political shield. At the same time, Robespierre was more than willing to admit that the people themselves might go "astray" and commit errors. There was, it seems, no unproblematic space that would infallibly express the unitary will of the people.

What Robespierre developed in the end was a conception of political space conditioned by the constant risk of error. Robespierre began with the Rousseauist position that every individual, every individual group, had an interest that was different from the general interest of the community. If this division was natural, it was dangerous in politics because these individual differences could corrupt the search for the common. Robespierre's goal was to create a political space that would negate these differences. The legislator, he said in 1791, "must in a way isolate himself from his work, and emancipate himself from all personal relations," which is, incidentally, why he made, early in the Revolution, the popular motion that no member of the constituent assembly should be eligible for election to the new legislative assembly, and that no legislative member should be a minister of the state.41

The need to negate deviating influences in political organs marked earlier constitutional discussions. What distinguished Robespierre's position was his interpretation of the *nature* of deviation. If Sieyes and intellectuals like Condorcet advocated in essence *intellectual* procedures of purification (the exclusion of those with inadequate education and experience), while politicians like Barnave suggested a *socio-economic* model that would exclude both

landed aristocratic elites and the poor, Robespierre famously linked political purity to *incorruptibility*. The political space was essentially moral and psychological.

The question however was the same, for Sieyes as for Robespierre. What was the mark of authenticity? Who could decide if any representative was a "true" representative?

Only two weeks after the forced purge of the Convention that sent many Girondins to their deaths, Robespierre made this remark: "The members of the legislature are mandataires to whom the people have given first power, but in the true sense we cannot say that they represent it. . . . laws only have the character of laws when the people have formally accepted them." He would add, however, this absolutely critical condition: "its silence is taken for approbation."

But what we have seen, from Rousseau to Sieyes to the Terror, is that the people are essentially silent, "the people" does not really speak at all in its own voice. The critical question of the Revolution was how to interpret resistance to the political forms that assumed public power: are these resistances moments of extraordinary representation, or are they manifestations of a radical enmity that opposes the foundational unity of the nation?

What is important to point out here is that this decision, one which haunts any democratic nation that is structurally founded on a unanimous decision to create a political body, can never be decided on constitutional or political grounds, though constitutional and political justifications may or may not be made. This decision can never be legitimized by a visible center of politics or an audible voice of the people, since even a plebiscite or an

election is itself a political form, a political space subject to deviation.

The *creation* of the visible form of unity (the state as space of political action and decision) proceeded from the *negation* of opposition in concrete circumstances, in those defining moments for any polity when unity must be reasserted or risk collapse.

To resist the public force, to refuse to risk one's life for the republic (as the peasants of the Vendée did in the conscription riots that began civil war there), to subvert the nation in crisis, is to exclude oneself from that political unity in declaring an alternative. Those that resisted the May purge of the Convention and instigated the so-called federalist revolts in 1793, for example, made the very real decision that the people of Paris did *not* speak for them; they refused, in other words, to be silent. Which meant they became the enemies of those who, in their silence or in their vocal support, gave approval to the revolutionary state. (Of course Sieyes himself would write, in the Year III, that during the Terror "it was necessary to take refuge in silence . . .")⁴³

The Terror did not create this problem. In fact, we can see that the Terror marks that moment in the Revolution when the state as political form took responsibility for, and in the process tried to contain, this foundational and preservational violence in one delimited space. As Colin Lucas has argued, the Terror was in essence a time when the national space of politics assumed the power of this decision, the decision to locate the internal and the external enemy.⁴⁴ Thermidor, from this perspective, did not really constitute a discontinuity of political space; from the Terror, through the Directory, and over the course of

state consolidation in the nineteenth century, we find political unity established through the monopolization of violence by the state, in both emergency and normal conditions.

In the end, I would suggest that what was lacking in what we like to call France during the violent revolutionary decade was not some kind of proper or healthy political space that would have provided peaceful government. What was clearly lacking was a political homogeneity within the borders of the old France, a foundational consensus that could have grounded any stable political form. That homogeneity would eventually be created, violently, painfully, over the course of the nineteenth century, but we must, as historians, take care not to project that identity back to 1789. Otherwise we run the risk of wrongly interpreting the repeated foundational violence characteristic of any unified democratic polity as though it was the product of some perverse or pathological delusion.

If we see revolutionary concerns with unity in terms of political structure (and not as the content of ideology, nor even, more positively, as some new form of cultural practice) we can begin to rediscover the particularity of the conflicts that marked the borders of the political. We might rediscover, that is, the heterogeneity of the political in this period, the multiple spaces of politics constituted on both sides of the revolutionary and counter-revolutionary divide, and within the revolutionary nation itself.

FOOTNOTES:

- 1. Hannah Arendt, On Revolution (New York, 1965), 49.
- 2. Ibid., 155-6.
- 3. Ibid., ch. 2. Quote p. 86.
- 4. Jürgen Habermas, *Theory and Practice*, tr. John Viertel (Boston, 1973), 104.
- 5. See François Furet, Interpreting the French Revolution, tr. Elborg Forster (Cambridge, 1981).
- 6. Furet, "Terror," in Furet and Mona Ozouf, eds., A Critical Dictionary of the French Revolution, tr. Arthur Goldhammer (Cambridge, Mass., 1989).
- 7. See Furet, Revolutionary France, 1770-1880 (Cambridge, Mass., 1992).
- 8. Furet, Interpreting the French Revolution, 78.
- 9. Jean-Jacques Rousseau, *Social Contract*, Book 1, ch. 6, "The Social Pact." Citations from Maurice Cranston's translation (Harmondsworth, 1968).
- 10. Ibid., 59-60.
- 11. Ibid., Book 2, ch. 6, "On Law," p. 80.
- 12. Ibid., 83.
- 13. Ibid., Book 2, ch. 7, "The Lawgiver."
- 14.. Ibid., Book 3, ch. 18, "Means of Preventing the Usurpation of Government."
- 15. Emmanuel Sieyes, What is the Third Estate? (New York, 1964), ch. 5.
- 16. Sieyes, Vues sur les moyens d'exécution dont représentants de la France pourront disposer en 1789 (Paris, 1789).

- 17. William H. Sewell, Jr., A Rhetoric of Bourgeois Revolution: The Abbé Sieyes and "What is the Third Estate?" (Durham, N. Carolina, 1994).
- 18. Sieyes, "Préliminaire de la constitution," in Furet and Ran Halévi, eds., Orateurs de la Révolution, vol. 1, Les constituents (Paris, 1989).
- 19. Ibid., 1014.
- 20. Sieyes, Vues sur les moyens, 18.
- 21. Sieyes, What is the Third Estate?, ch. 6, p. 172.
- 22. On this debate, see Keith M. Baker's excellent analysis, "Fixing the French Constitution," in his Inventing the French Revolution: Essays on French Political Culture in the Eighteenth Century (Cambridge, 1990).
- 23. Mirabeau, "Discours sur le droit de veto, 1 sept. 1789," in *Discours*, ed. Furet (Paris, 1973), 106.
- 24. See Ran Halévi, "Monarchiens," in Furet and Ozouf, eds., Critical Dictionary of the French Revolution.
- 25. Malouet, "Discours sur la sanction royale," in Furet and Halévi, eds., *Orateurs*.
- 26. Sieyes, "Sur l'organisation du pouvoir législatif et la sanction royale," in Furet and Halévi, eds., *Orateurs*.
- 27. Sieyes, Quelques idées du constitution applicables à la ville de Paris en juillet 1789 (Versailles, 1789), 32.
- 28. Sieyes, What is the Third Estate?, ch. 5, p. 132.
- 29. Ibid., 130.
- 30. Sieyes, "Représentation et élections (1791)," in Pasquale Pasquino, Sieyes et l'invention de la constitution en France (Paris, 1998), 172.

- 31. Rousseau, *Social Contract*, Book 3, ch. 2, "The Death of the Body Politic," p. 135.
- 32. Antoine Barnave, De la révolution et de la constitution, ed. Patrice Guennifey (Grenoble, 1988), esp. 65.
- 33. Barnave, speech of 18 juillet, 1791, in Archives parlementaires (Paris, 1862-), 28: 402.
- 34. Barnave, speech of 11 août, 1791, ibid., 29: 367.
- 35. Robespierre, *Oeuvres* (Paris and Gap, 1910-1967), 9: 36, 39.
- 36. Ibid., 9: 89.
- 37. Ibid., 8: 449.
- 38. Brian C. J. Singer, "Violence in the French Revolution: Forms of Ingestion / Forms of Expulsion," in Ferenc Feher, ed., The French Revolution and the Birth of Modernity (New York, 1989).
- 39. Robespierre, Oeuvres, 7: 691.
- 40. Ibid., 6: 87-93.
- 41. Ibid., 7: 264, 201-2.
- 42. Ibid., 9: 569.
- 43. Sieyes, "Bases de l'ordre social ... (an III)," in Pasquino, Sieyes, 191.
- 44. Colin Lucas, "Revolutionary Violence, the People, and the Terror," in *The French Revolution and the Creation of Modern Political Culture*, vol. 4, *The Terror*, ed. Keith M. Baker (Oxford, 1994).

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