

## DOMESTIC STATE VIOLENCE: REPRESSION FROM THE CROQUANTS TO THE COMMUNE\*

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**ABSTRACT.** *Putting down a revolt always risks seeing the legitimate use of force degenerate into an excessive and discredited repression, here called domestic state violence. Sergio Cotta's analytical model of the difference between force and violence helps to reveal the significance of various cycles of revolt and repression over three centuries of French history. Oscillations between measured coercive force and domestic state violence divide these three centuries into six stages: early absolutist (1594–1639), Louisquatorzian (1640–75), themistocratic (1675–1789), revolutionary (1792–5), late republican (1797–1802), and liberal authoritarian (1802–71). Continuities existed across all of these stages, such as the recourse to regular troops and summary justice; however, periods of rapid socio-political realignment caused the use of force to become domestic state violence. In order to overcome the alienation this produced, the state created new means of restricting its use of force while still protecting the new social order. The years 1797–1802 constituted the pivotal phase of this process because this was when so many methods of repression developed during the era between early absolutism and the Terror were revived, only now wrapped in the restraints of legal-rational authority. The resulting 'liberal authoritarianism' persisted until the 1880s without substantial changes other than growth in the sheer magnitude of repression.*

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### I

Historians of France have paid considerable attention to various forms of collective violence ranging from religious rioting to labour strikes. Their work usually relies heavily on the documents generated during the repression of these incidents, but they rarely make methods of repression central to their study of revolt. However, examining the different methods used in response to large-scale collective resistance helps to reveal some of the most profound changes in cultural and political attitudes that took place in France between the Wars of Religion and the Third Republic. Even more than revealing these changes, such a study helps to explain how they came about. Prevailing notions of public order and how to preserve it were shaped and reshaped by repeated cycles of revolt and repression throughout the three centuries from the Croquants to the Commune.

Putting down a revolt meant using force. There is never complete agreement

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about how much force is appropriate in particular circumstances, but it is generally agreed that a certain amount of force is necessary to preserve the social order. Thus, political authorities might legitimately end a revolt by using force. However, if the methods of repression are generally deemed excessive, then it becomes a discredited use of force, or what will henceforth be called domestic state violence. The difference between the legitimate use of force and domestic state violence is conceptually important.<sup>1</sup> Violence and legitimate force are not interchangeable concepts, they are intrinsically opposites, even if extrinsically indistinguishable. The difference is both moral and technical. Let us deal with each aspect in turn.

Hannah Arendt's statement, 'Violence can be justifiable, but it never will be legitimate',<sup>2</sup> captures an essential aspect of violence, namely that violence is a quasi-moral concept generally linked to assessing means in terms of ends. Therefore, to describe the use of force as violence is to question its legitimacy in relationship to social harmony and public order. None the less, even if described as violence, the use of coercive force could still be justified by the norms it seeks to establish. This is the attitude of revolutionaries. They do not deny acting violently, in other words disrupting existing social relationships through the use of force, but they justify this violence as an indispensable means to build a more just social order; that is, as necessary to lower the overall level of coercion within society and thereby ultimately increase social harmony. It quickly becomes apparent, however, that both those who revolt against authority and those who repress such a revolt seek to justify their use of coercive force as counter-violence necessary to maintain, restore, or increase social harmony. This makes any assessment a subjective one. Differences of opinion about the justness of a particular social order when compared to a potential alternative quickly become the basis for assessing the use of force. Under these conditions, describing a particular use of force as violence essentially questions it, even condemns it, on moral grounds.

If we want to analyse various uses of coercive force without taking a moral stance towards them, that is without condoning or condemning them, we need a theory of violence which allows us to go beyond merely assessing coercive force in terms of whether its end justifies the means. The Italian legal philosopher Sergio Cotta has developed such a theory.<sup>3</sup> Cotta distinguishes between force and violence on the basis of their structural characteristics. Both

<sup>1</sup> This distinction is easily overlooked. For example, scholars often think they are borrowing a brilliant Weberian phrase when they speak of the state as the monopoly of violence in society. However, such a statement corrupts Weber's idea by leaving out the notion of legitimacy. Weber spoke of the state as 'that agency in society which has a monopoly of legitimate force'. This is the preferred translation of Weber's term *Gewalt* (see H. H. Gerth and C. Wright Mills, eds., *From Max Weber: essays in sociology* (London, 1991), p. 78), which can also mean power or violence. As my argument indicates, the phrase 'legitimate violence' is an oxymoron in a moral sense, and Weber's idea loses all meaning when scholars reduce it to a monopoly of violence *tout court*.

<sup>2</sup> Hannah Arendt, *On violence* (New York, 1970), p. 52.

<sup>3</sup> Sergio Cotta, *Why violence? A philosophical interpretation*, trans. Giovanni Gullace (Gainesville, FL, 1985).

have a physical dimension and disturb existing relationships, but violence is distinguished from other forms of force by being sudden, unpredictable, discontinuous, and disproportionate. Nature offers a good example of this contrast. Although a lengthy drought may damage crops more than a hail storm, only the storm is violent. In human affairs, Cotta argues, an act of force only becomes violence when it displays a lack of measure along one of three axes, internal, external, and purposive. *Internal measure* means using force with regularity and precision in order to increase its effectiveness. *External measure* means using force in accordance with a broadly accepted social, moral, or legal norm. Finally, *purposive measure* means using force to defend or establish a specific form of polity. (It should be stressed that purposive measure is not related to an abstract end such as liberty, equality, racial purity, or social justice, but only to the socio-political system deemed capable of achieving such an end.<sup>4</sup>) Cotta further notes that an act of force may conform to one or even two of these forms of measure and yet still be extremely violent; only the presence of all three modalities prevents an act of force from becoming violence and thus losing legitimacy.

Cotta's theory of violence can help historians to analyse past uses of force to repress revolt without unconsciously incorporating the moralistic tint that a judgement about ends often casts on an assessment of means.<sup>5</sup> In other words, Cotta's theory can help us to reduce the influence our personal moral judgements might have on our analysis, and, even more importantly, also helps us to increase our sensitivity to the moral judgements and discursive strategies of those people who actually witnessed a particular cycle of revolt and repression. Such an approach enhances our ability to combine *histoire événementielle* and *la longue durée* in order to highlight secular changes in ways of preventing coercive force from becoming state violence. Furthermore, applying a theory that distinguishes between force and violence to historical events demonstrates the power of violence to destroy the consensus upon which political power is based. This generates new efforts to produce power through consensus, both on the part of the state (recreating measure) and on the part

<sup>4</sup> The three forms of measure are named according to their relationship to the act. The differences between them will become clearer later when applied to specific incidents of repression.

<sup>5</sup> Some scholars might see a problem here: if the use of coercive force is well managed, sanctioned by law, and designed to uphold an exploitative and coercive socio-economic order, then such a use of force would seem to lack legitimacy. If it lacks legitimacy, then it would appear to deserve to be called violence. However, this both blurs means and ends and the distinction between contemporary moral judgements and those of the historian. As far as the historian is concerned, it is important to recognize that if a particular socio-political order used force exclusively within the three modes of measure, calling it violence is not analytically helpful, but a way of passing moral judgement on that socio-political order. Should the historian feel that such a judgement is appropriate, he should critique the injustices of the socio-political order itself rather than the use of force to preserve it. This requires a recognition that all socio-political orders must use force to preserve themselves. Any other position is hopelessly utopian. Lest it be forgotten, this leaves plenty of scope to analyse the ways in which force is deployed, whether the specific polity is deemed wicked or not, and to include moral judgements in such an analysis, preferably those of contemporaries.

of society (devising new concepts of a just social order). The history of France from the first Croquant revolt of 1594 to the Paris Commune of 1871 demonstrates that repressing revolt had the greatest impact on attitudes towards the existing polity when it took the form of domestic state violence. Thus, oscillations between measured coercive force and domestic state violence divide these three centuries into six stages, each of which had a distinctive combination of dominant social vision and methods of repression.

## II

The first of these six stages lasted from the end of the Wars of Religion to about 1640, and could be called the Croquant phase. During this period, the monarchy struggled to become the senior partner in its relationship to all major power holders in French society. Because the monarchy could never quite count on succeeding in this struggle, it was forced to negotiate methods of repression with provincial elites who had independent sources of power. This had the effect of generally keeping repression within the bounds of measure and preventing it from becoming domestic state violence. Thus, the sporadic Croquant revolts from 1594 to 1641 and royal responses to them shared several features. Although peasant rebels often did extensive property damage, they killed very few officials. The greatest loss of life came when royal troops clashed with peasant units in open combat. Once armed resistance had been broken militarily, a few leaders were put on trial and usually quickly executed. After local elites had brought the situation under control, a royal pardon followed. The Croquant revolt in the Périgord in 1637 illustrates this pattern.<sup>6</sup> After several weeks of widespread peasant mobilization, the duc de la Valette confronted the rebels at La Sauvetat where his hastily assembled force of 3,400 infantry and cavalry suffered at least 200 casualties in their assault on the *bourg*, but killed 1,000–1,500 Croquants in the process and then burnt twenty-five houses with women and children still inside. La Valette later turned forty rebel prisoners over to a magistrate and a *procureur* from the parlement of Bordeaux sent out to judge them ‘sovereignly’ in conjunction with various local courts. Even though other encounters brought more prisoners, only four men were condemned to death, one to the galleys, and one to banishment. A pardon drafted by agents of the provincial governor and approved by Richelieu covered all but twenty-five leaders, none of whom were ever caught. Despite the presence of a few local notables among the rebel leaders, the provincial nobility did not openly support the revolt against the crown. Although they might have been slow to react, and therefore culpable in the eyes of Richelieu, the scope of rebellion quickly convinced them to oppose it and thereby uphold royal authority as well.<sup>7</sup> This preserved the province from extensive repression.

<sup>6</sup> This account comes mainly from Yves-Marie Bercé, *Histoire des croquants: étude des soulèvements populaires au XVII<sup>e</sup> siècle dans le sud-ouest de la France* (Paris, 1974), pp. 403–54.

<sup>7</sup> Robin Briggs found a way out of the Prochnev/Mousnier debate by emphasizing the precarious position of local elites when caught between popular revolt and royal authority and

Even though both the number of casualties and soldiers' excesses at La Sauvetat shocked contemporaries, and constitute a lack of internal measure, the balance of power between the social elite and monarchical authority helped to limit the repression to a handful of executions and the billeting of troops in towns which had not resisted the Croquant armies. Therefore, in so far as was possible at the time, and that had its clear limits – troops who have just engaged in sustained hand-to-hand combat have always been notoriously difficult to restrain once a bloody victory has been won – the repression of 1637 in the Périgord was measured, especially externally and purposively.<sup>8</sup> In this respect it was typical of most repressions between 1594 and 1640 and reflected a socio-political order which balanced strong vertical solidarities and an emerging absolutist state.

This was not a static period, however, and the monarchy's bullying did more to disrupt the existing social order than anything else. The rapid emergence of a fiscal-military state brought heavy-handed and clumsy attempts to raise more taxes and provoked the peasant revolts of the period. In addition, there were times when repressing revolt clearly lacked measure, even in the eyes of the elite. This is obvious whenever superior authorities condemned the severity of subordinates.<sup>9</sup> However, the use of royal troops to disperse organized gatherings of armed peasants did not in itself constitute domestic state violence, although it could easily degenerate into that. Similarly, punishing rebels in a harsh and exemplary manner, including torture, breaking on the wheel, hanging, dismemberment and public display of body parts, life in the galleys, or banishment, did not constitute domestic state violence unless legal

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concluded; 'If vertical solidarities were crucial in starting many revolts, horizontal divisions generally played the vital role in controlling and ending them': *Communities of belief: cultural and social tensions in early modern France* (Oxford, 1989), p. 168.

<sup>8</sup> Boris Porchnev, *Les soulèvements populaires en France de 1623 à 1648* (Paris, 1963), gives an exaggerated account of the repression in this period by relying on the correspondence of those who sought to reassure the government of their loyalty by claiming to act with severity. For example, on p. 80 he paraphrases a letter from Richelieu to Louis XIII claiming that La Valette had killed 14,000 rebels at Eymet (which should read Le Sauvetat, the next village over, and clearly has one zero too many). Perhaps the closest thing to an exception to this general pattern occurred at Troyes on 25–6 April 1626. There the local militia's refusal to intervene and the fact that this was the second major riot in seven months forced virtually all of the monarchical and municipal officials to join forces and personally intervene to restore order. This led to an especially severe repression including the highly public execution of eleven men in the midst of elaborate security measures to prevent the crowd from intervening. But the authorities' spectacle did not attract a popular audience nor did it deter the people from staging a third major riot the following year: William Beik, *Urban protest in seventeenth-century France: the culture of retribution* (Cambridge, 1997), pp. 86–9.

<sup>9</sup> In October 1595, for example the maréchal de Matignon rebuked the marquis de Pisani for raising local forces to suppress peasant formations around Agen. Apparently Pisani's expedition was inspired by the false notion that these gatherings sought the liberties of Swiss cantons when in fact they had more to do with defending the countryside against the military depredations and fiscal innovations of the final Wars of Religion. A fulsome royal pardon recognized the just motives of the peasant assemblies and blamed Pisani's action as an affront to the king's authority: Bercé, *Croquants*, pp. 257–93.

procedures were circumvented, judicial norms violated, or the restoration of order compromised. All of these punishments were common components of the French criminal justice system and widely accepted in the early seventeenth century.<sup>10</sup> In most cases of serious crime, royal justice had supplanted private vengeance and urban communities had come to accept the public executioner as their collective instrument to preserve order. Local people who gathered to watch breakings, hangings, burnings, or floggings expected executioners to display considerable expertise. A botched job could easily incite spectators to lynch the executioner for having failed to apply justice on their behalf.<sup>11</sup> Despite their obvious physicality, the black legend of arbitrariness created by *philosophes*, and the mix of morbid curiosity and horror such punishments provoke today, these were carefully regulated and socially endorsed responses deemed necessary to contain clear threats to social stability. Therefore, employing such means in the wake of an armed revolt was generally expected.

The royal response to the Nu-Pieds revolt of 1639 marked the start of a new stage in the history of repression in France. Between 1640 and 1675 the monarchy repeatedly resorted to domestic state violence. This reflected its increased determination to co-opt or coerce those with substantial social power in order to integrate them into a more statist version of the traditional social order. *Raison d'état*, family lineages, clientage networks, venal office holding, and bureaucratic oversight were all used in the monarchy's intense struggle to realign society. Whenever royal authority was openly challenged, however, the monarchy responded with more coercive force than it could control.

No one doubted that the revolt of the Nu-Pieds seriously challenged royal authority. It swept both the towns and countryside of lower Normandy, was at least tacitly supported by the provincial elite, and broke out during a critical phase of the Thirty Years War. Louis XIII quickly announced the need for exemplary punishment and hoped that this would help to avoid 'extreme remedies'.<sup>12</sup> In fact the repression shocked contemporaries. Weeks after these events, Corneille wrote his play *Cinna ou la Clémence d'Auguste* implicitly condemning the government's severity. Pamphleteers and jurists alike described the forms of repression as exceptional in the annals of French history. Three things appear to have been excessive in the eyes of contemporaries. First came the heavy-handed military repression. Colonel Gassion and 5,200 royal troops, battle-hardened by campaigning in Germany, swept into the province and broke the rebellion in a pitched battle at Avranches. Three hundred rebels

<sup>10</sup> For a thorough introduction to these issues, see Robert Muchembled, *Le temps des supplices : de l'obéissance sous les rois absolus, XV<sup>e</sup>-XVIII<sup>e</sup> siècle* (Paris, 1992).

<sup>11</sup> Peter Spierenburg, *The spectacle of suffering: executions and the evolution of repression: from a preindustrial metropolis to the European experience* (Cambridge, 1984), pp. 17-109 passim, Thomas W. Laqueur, 'Crowds, carnival and the state in English executions, 1604-1868', in A. L. Beier, David Cannadine, and James M. Rosenheim, eds., *The first modern society: essays in English history in honour of Lawrence Stone* (Cambridge, 1989), pp. 305-55; Richard van Dülmen, *Theatre of horror: crime and punishment in early modern Germany*, trans. Elisabeth Neu (Cambridge, 1990).

<sup>12</sup> Madeleine Foisil, *La révolte des Nu-Pieds et les révoltes normandes de 1639* (Paris, 1970), p. 285.

died in the final assault and others drowned trying to flee. Gassion then hanged a dozen prisoners and packed an equal number off to the galleys. Following royal orders, he dispersed his troops across the province and had them live at local expense. The soldiers promptly pillaged and raped with such abandon that courts martial were needed to restore army discipline. Here were all the horrors of Grimmelshausen visited upon French subjects by French troops. Second came summary justice conducted by royal agents sent to Normandy for the express purpose of repression. As soon as Chancellor Séguier arrived at Rouen, he condemned ‘verbally and militarily’ five leaders to be tortured, killed, pulled to pieces, and displayed at the gates of the city. Similarly, the newly appointed intendant, La Potherie, sentenced at least six men to death by simple *ordonnance*. Elsewhere he and a team of fifteen *conseillers d'état* and *maîtres des requêtes* either co-opted or supplanted the regular courts, including the parlement. In this manner, they condemned at least eleven men to breaking on the wheel, thirty-five to hanging, seventeen to the galleys, and thirty-seven to banishment from Normandy for life (about half of these sentences were handed out *in absentia*).<sup>13</sup> Third came punishments meted out to the urban elites of Caen and Rouen for failing to uphold royal authority. Not only did they have to pay enormous back taxes, support the cost of quartering troops throughout the winter, and suffer the humiliation of being disarmed and deprived of their revenues for over a year, but a large number of office holders were suspended and exiled from their places of residence. This included all the office holders in the sovereign courts, generality, and municipality of Rouen. That all of this was deemed ‘extreme remedies’ by contemporaries is made clear by Chancellor Séguier himself. He refused to accept Louis XIII’s offer of most of the royal domains in Normandy as a reward for his tour of repression, saying that he ‘did not want his name to continue serving as an excuse for such great destruction’.<sup>14</sup>

The repression of the Nu-Pieds revolt was domestic state violence on a grand scale. It was significantly more severe than the repression that had followed previous revolts, including that of the Cascaveux at Aix in 1630 where several officers of the sovereign courts and prominent bourgeois had provided leadership.<sup>15</sup> Dramatically increasing repression in this way reflected the monarchy’s determination to have provincial elites uphold royal authority. It was also a precursor to important innovations in repression. The Nu-Pieds revolt coincided with an extension of the system of intendants across the kingdom. At the same time, intendants were given control of special armed brigades set up to coerce taxes from the peasantry. In 1643, the crown redefined tax rebellion as treason, thus enabling intendants to commandeer

<sup>13</sup> Porchnev, *Soulèvements*, pp. 473–92.

<sup>14</sup> Foisil, *Nu-Pieds*, p. 301. This sort of punishment was powerful enough to be used by town magistrates in Lyon as a warning to those who might cause trouble there: Beik, *Urban protest*, p. 44.

<sup>15</sup> René Pillorget, *Les mouvements insurrectionnels de Provence entre 1596 et 1715* (Paris, 1975), pp. 313–54, and Sharon Kettering, *Judicial politics and urban revolt in seventeenth-century France* (Princeton, NJ, 1978), pp. 150–81.

royal courts and to prosecute personally both rebels and magistrates who condoned their actions. This became a common feature of repressing tax revolts, especially when they reached epidemic proportions during the Fronde.<sup>16</sup>

These five years of virtual civil war exposed the difficulty of tying provincial power structures more closely to the crown, but they did not fundamentally alter the methods for achieving this. Nevertheless, the widespread collapse of royal authority during the Fronde encouraged the crown to respond harshly to future incidents of collective resistance. As a consequence, all of the major revolts after the Fronde were repressed more severely than those of the 1620s and 1630s. Post-Fronde rebellions were no longer characterized by open alliances between commoners and provincial power holders.<sup>17</sup> In each of the rebellions from the Sabotiers of Sologne in 1658 to the Camisards of the Cévennes in 1702–5, provincial elites made common cause with royal authority against local rebellion. This led to more severe measures against insurgents.<sup>18</sup> For example, the modest Roure revolt of 1670 in the Vivarais was stamped out by a force of 4,500 troops, the kings' musketeers, led by d'Artagnan himself, Swiss mercenaries, bourgeois militia, and a large number of Languedocian nobles. Together the troops, militia and *gentilshommes* cut rebel units to pieces, sacked Aubenas and Privas, and slaughtered hundreds of peasants before razing nearby villages. The intendant and a *juge-mage* from Nîmes then conducted summary trials, sentencing 30 to death and over 100 to the galleys while local towns had their ramparts dismantled. Obviously local elites had little difficulty choosing which side to take once a popular insurrection broke out. However, the scope of the repression appeared excessive, even to the bourgeois victims of the original revolt. They claimed that those who carried out the repression exaggerated their harshness in order to exaggerate their triumph in the eyes of the crown.<sup>19</sup>

Such behaviour indicates the absolutist monarchy's willingness to err on the side of excessive force following decades of overt resistance to its increasing demands. However, when coercive force degenerates into state violence it produces more alienation than it overcomes. Those who exercise power effectively are well aware of this dictum. Hence the attempt to regulate the use

<sup>16</sup> Richard Bonney, *Political change in France under Richelieu and Mazarin, 1624–1661* (Oxford, 1978), pp. 214–37; L. Jarry, *La guerre des sabotiers de Sologne et les assemblées de la noblesse, 1653–1660* (Orléans, 1880), p. 36.

<sup>17</sup> Charles Tilly, *The contentious French* (Cambridge, MA, 1986), p. 146.

<sup>18</sup> After 1,200 crack troops crushed the Lustucru revolt of 1661 in the Boulonnais, the duc d'Elbeuf hanged four prisoners on the spot. Later, judges appointed by *maître des requêtes* Machault tried and sentenced five rebel leaders. In addition, 363 prisoners captured *en flagrant délit* were marched to the galleys at Toulon without a trial. Pierre Hélot, 'La guerre dite de Lustucru et les privilèges du Boulonnais', *Revue du Nord*, 21 (1935), pp. 265–318.

<sup>19</sup> Joseph-Louis de Laboissière, ed., *Les commentaires du soldat du Vivarais* (Privas, 1811), pp. 375–449; Gérard Sabatier, 'De la révolte de Roure (1670) aux Masques armés (1783): la mutation du phénomène contestataire en Vivarais', in *Mouvements populaires et conscience sociale. Colloque de l'Université de Paris VII–C.N.R.S., Paris, 24–6 mai 1984* (Paris, 1985), pp. 121–47.



of force ever more carefully. The year 1675 saw the last major anti-tax revolts of the ancien régime.<sup>20</sup> The Papier Timbré and Bonnets Rouges revolts in Brittany that year reveal how the level of repression had increased since the 1630s as well as how the government now sought to regulate the use of coercive force. Although Louvois, secretary of state for war, dispatched a full-scale army of 6,000 troops to suppress the revolt, he had it transported by sea to the ports of Lower Brittany rather than traverse numerous Breton parishes which had already submitted and been amnestied by the governor. He also made sure the troops were supplied through the new system of *étapes* in order to avoid the injustice of billeting them in towns which had not revolted or the indiscriminate havoc that would result from letting them live off the countryside anywhere but in the most rebellious parishes. When the troops entered Rennes in October, they were only allowed to live at the expense of the inhabitants for two weeks and then went on regular pay. Such precautions did not eliminate all pillaging – especially where soldiers carried out authorized reprisals by hanging peasants from roadside trees – but Brittany was spared the widespread devastation generally inflicted elsewhere in the period. The judicial punishment was also harsh but measured. As usual in cases of rebellion, local courts tried rebels ‘provostially and without appeal’, but less than ten were condemned to death across the province and only about two dozen sent to the galleys. More spectacularly, Rennes was totally disarmed, its parlement transferred to Vannes, the rue Haute razed, and an army of 10,000 troops quartered in Brittany for the winter. All the same, considering the size, duration, and destruction of the rebellion, as well as the number of aristocrats wounded or killed, the methods and level of repression fit the new expectations of the period, as the correspondence of Mme de Sévigné indicates.<sup>21</sup> In other words, since 1640, and especially since the Fronde, the literate in French society had come to accept that greater amounts of repression were needed to preserve the emerging absolutist social order.

The logic of Louisquatorzian state violence reached its *reductio ad absurdum* in the Camisard revolt of 1702–5. Here excessive and uncontrolled measures of repression actually increased and prolonged the revolt. When there was no

<sup>20</sup> These were both the last anti-tax revolts of the seventeenth century and a precursor to the anti-seigneurialism of the eighteenth century: Emmanuel Le Roy Ladurie, ‘Révoltes et contestations rurales en France de 1675 à 1788’, *Annales: économies, sociétés, civilisations*, 29 (1975), pp. 6–22. In addition to the revolts in Brittany, Bordeaux experienced a major uprising followed by a belated but heavy punishment which included massive billeting of troops, razing houses, heavy fines, removal of church bells, exile of the parlement and three exemplary hangings. See François Loirette, ‘La sédition bordelaise de 1675, dernière grande révolte urbaine de l’ancien régime’, in *Actes du 102<sup>e</sup> congrès national des sociétés savantes, Limoges, 1977: section d’histoire moderne et contemporaine*, II (Paris, 1978), pp. 237–60.

<sup>21</sup> The duc de Chaulnes, governor of Brittany, deserves most of the credit for preserving measure in the application of force after the revolt: Jean Lemoine, *La révolte dite du Papier Timbré ou des Bonnets Rouges en Bretagne en 1675* (Paris and Rennes, 1898), especially pp. 69–84 and the invaluable corresponding documents on pp. 177–81, 201–34. See also Yves Garlan and Claude Nières, *Les révoltes bretonnes de 1675: Papier Timbré et Bonnets Rouges* (Paris, 1975).

longer a serious domestic threat to the body politic, especially not from Protestants, the government endorsed a plan to destroy 466 communities inhabited by almost 20,000 people. As the regular troops of marshal de Montrevel criss-crossed the Cévennes shooting peasants and burning villages, the intendant Bâville allowed local Catholic bands known as Cadets de la Croix to pillage and massacre with ‘such an excess of cruelties that one can hardly help but criticize and detest them’.<sup>22</sup> And this was a royal soldier speaking! The brutality of the repression provoked fierce resistance and actually helped to push the Camisard revolt to its apogee in early 1704. Although marshal de Montrevel was recalled, the vigorous military repression continued under marshal de Villars, as did the steady stream of rebels sentenced to death or the galleys. However, Villars also struggled to reduce the atrocities committed in the name of the king by having a few Catholic militia leaders tried and executed. Furthermore, he granted an ‘amnesty’ to Protestants who turned in their weapons and agreed either to worship entirely in private or to accept cash and a military escort out of the kingdom. Three years of such religious cleansing culminated in the capture of fifty diehards in April 1705. As had been the case numerous times before, Bâville sat with the presidential court at Nîmes to sentence two to be burned alive, four to be broken on the wheel, and two dozen others to hanging or a slower death, life in the galleys. The risk of further public disturbance was so great, however, that even in a city that was two-thirds Catholic, the burnings and breakings had to be conducted under the guns of the citadel and surrounded by royal regiments.<sup>23</sup> Nothing better illustrates the hostility that domestic state violence à la *Louis XIV* could provoke from the local population.

### III

After the period 1640 to 1675 came a century of first consolidating then defending the new absolutist order. In order to overcome the alienation created by repeated use of domestic state violence, the monarchy needed not only to regulate the modes of repression as Louvois and Villars had tried to do, but to combine social integration of the elites with measures to prevent the populace from threatening the social order. Louis XIV’s long reign realigned the social order and judicial structure according to the needs of the state. This became increasingly clear in the two decades after Louis assumed personal rule in 1661.<sup>24</sup> Indeed, certain episodes of repression, such as the Grands Jours

<sup>22</sup> Quoted in W. Gregory Monahan, ‘Heroes or thieves: Catholic vigilantes in the war of the Camisards’, presented at the 24th Annual Conference of the Western Society for French History, Charlotte, NC, 30 Oct.–2 Nov. 1996.

<sup>23</sup> This incident is reported in the monumental work, Henri Bosc, *La guerre des Cévennes, 1702–1710* (6 vols., Montpellier, 1985–93), v, pp. 218–20. For less detailed but more interpretive histories of the revolt and repression, see Lilian Crété, *Les Camisards* (Paris, 1992), and Emile G. Léonard, *L’armée et ses problèmes au XVIII<sup>e</sup> siècle* (Paris, 1985), pp. 55–80.

<sup>24</sup> Emmanuel Le Roy Ladurie, *L’ancien régime: de Louis XIII à Louis XV, 1610–1770* (Paris, 1991), p. 131, provides an elegant summary of this period: ‘la contagion de la discipline, le surgissement d’un ordre; la mise en place des forces de liaison, souvent efficaces... Elles arrivent de mieux en

d'Auvergne (1665–6), had themselves been dramatic attempts to assert royal authority and restore order by dealing harshly with abuses of power or laxity at lower levels of the legal establishment.<sup>25</sup> However, despite Colbert's alarming initiatives, the absolutist monarchy never seriously tried to eliminate that essential link between social status and judicial power: venality of office. A quarter century of almost continuous warfare (1688–1713) provoked an absurd proliferation of venal offices and the crown's profligate spending ensured that judicial offices remained a form of private property throughout the eighteenth century.<sup>26</sup>

The persistence of venal office holding among the magistracy allowed the themistocracy to become the most characteristic feature of this third phase in the history of French repression. Themistocracy is a neologism coined by Richard Andrews in order to capture the inseparable combination of royal courts, patrimonialism, vocational ethos, and rule of law that preserved order in France until 1789.<sup>27</sup> This themistocracy provided the main source of measure preventing the use of coercive force from becoming domestic state violence. First, purposive measure: no other group did more than magistrates to define theoretically and defend practically the antithetical mix of corporative social order and absolutist state. As Jean Domat, that great idealist of the absolutist polity, put it, 'authority without force would be despised and almost useless, while force without legitimate authority would be mere tyranny'.<sup>28</sup> The judges and jurists of the eighteenth century gave meaning and shape to legitimate authority. Second, external measure: around the same time as major tax revolts ended, the monarchy adopted the great Criminal Ordinance of 1670. This increased the power of royal courts at the expense of seigneurial courts, standardized procedures, and preserved the latitude of judges to pronounce the sentences they saw fit. Henceforth, the themistocracy would parry threats to public order and, equally important, prevent retributive

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mieux, des uns aux autres, les fragments jusqu'alors trop souvent dispersés, les *membra disjecta* du corps social. Il y a dans l'ensemble meilleure réception des initiatives et contraintes qui viennent du Pouvoir.'

<sup>25</sup> Arlette Lebigre, *Les Grands Jours d'Auvergne: désordres et répression au XVII<sup>e</sup> siècle* (Paris, 1976). The execution of powerful nobles and the razing of several châteaux, as well as an extensive clean up of violent crime, only added to the spectacular reckoning with the regional instruments of justice. Furthermore, the reforms introduced at this time played an important part in shaping the great legal codes of 1667 and 1670: Albert H. Hamscher, 'Les réformes judiciaires des Grands Jours d'Auvergne, 1665–1666', *Cahiers d'histoire*, 21 (1976), pp. 425–42.

<sup>26</sup> William Doyle, *Venality* (Oxford, 1996), especially pp. 20–5 and 186–93.

<sup>27</sup> According to Andrews, the themistocracy consisted of the entire royal judiciary, particularly the judges, royal prosecutors, and royal advocates of both lower and superior courts, whose legal culture, corporatism, and institutional power united noble and non-noble *robins* in a largely endogamous 'Fourth Estate' juxtaposed to the clergy, the sword nobility, and those who performed manual labour: *Law, magistracy, and crime in Old Regime Paris, 1735–1789*, 1: *The system of criminal justice* (Cambridge, 1994), pp. 55–278.

<sup>28</sup> Jean Domat, *Le droit public* (Paris, 1697), Livre 1<sup>er</sup>, Titre II, Section I, p. 8.

justice from degenerating into domestic state violence. Parlements reviewed all lower court sentences involving corporal punishment (except those handed out by provostial courts) and usually reduced their severity.<sup>29</sup> Similarly, although the government often demanded heavy sentences for eighteenth-century grain rioters, magistrates usually did not oblige.<sup>30</sup> For example, even though 548 people were arrested in connection with the Flour War of May 1775, the greatest disturbance of the pre-revolutionary period, only two received death sentences.<sup>31</sup> Finally, internal measure: as we have seen, using troops to repress a revolt always posed a risk of excess. Building barracks, perfecting the system of *étapes*, and increasing officer professionalism helped to restrain the damage done by the sustained presence of troops. None the less, soldiers remained unpredictable in the face of a crowd and so were used as little as possible. In fact, the eighteenth century is littered with more refusals to use the army for repressive purposes than occasions when it actually cracked heads.<sup>32</sup> Thus, the truly awful military and judicial repression meted out at times of crisis during the reign of Louis XIV largely gave way to measured responses in which punishment was selective, not general, and exemplary, not corrective. Because the socio-political order was no longer being aggressively realigned by royal authority, the use of force was less likely to degenerate into violence. In this way, the ancien régime's response to rioting came to resemble closely its methods of controlling crime.

The monarchy's increased use of preventive measures to preserve the social order led to the only major innovation in repression to emerge in the last century before the French Revolution – the expansion of the *maréchaussée* and the writ of its provostial courts in order to cover rural rioters and the wandering poor. However, at the end of the ancien régime, France averaged only one rural policeman for every 8,000 inhabitants. Such a small force only made a meaningful contribution to preserving public order because so little was required of it in what remained a largely self-regulating rural society.<sup>33</sup> The

<sup>29</sup> Nicole Castan, *Justice et répression en Languedoc à l'époque des Lumières* (Paris, 1980), pp. 272–80; Andrews, *Law, magistracy and crime*, pp. 481–93.

<sup>30</sup> E.g. To the dismay of Controller-General Laverdy, the putative leaders of a massive grain riot at Troyes in 1768 received 'a stunningly mild provisional sentence which could lead to the release of all the prisoners in three months': Steven Kaplan, *Bread, politics and political economy in the reign of Louis XV* (2 vols., The Hague, 1976), I, p. 219.

<sup>31</sup> Cynthia Bouton, *The Flour War: gender, class, and community in late ancien régime French society* (University Park, PA, 1993), pp. 99–103, deals with repression of grain riots and points out the contrasting and rare harshness of repression after a grain riot at Tours the previous year which ended in three executions and two terms of nine years in the galleys. She also provided a preliminary report on her current research on grain rioting in a paper entitled 'Food riots, relief, and repression in France, 1709–1847' at the Society for French Historical Studies Annual Conference, March 1996.

<sup>32</sup> John Batt, 'Royal authority, the army and the maintenance of public order in France at the end of the ancien régime' (Ph.D. thesis, Reading, 1985), pp. 100–86.

<sup>33</sup> Olwen Hufton, 'Le paysan et la loi en France au XVIII<sup>e</sup> siècle', *Annales: économies, sociétés, civilisations*, 38 (1983), pp. 679–80. On the rural constabulary generally, see Clive Emsley, 'La maréchaussée à la fin de l'ancien régime: note sur la composition du corps', *Revue d'histoire moderne*

*maréchaussée's* contribution only became substantial when coupled with its judicial arm, thirty-three provostial courts which judged summarily and without appeal. The effectiveness of this 'booted justice' lay in a combination of rarity and severity. Conviction rates averaged only one third of those prosecuted, indicating a high standard of proof, but sentences were often harsh: one quarter of those convicted in the 1770s and 1780s were sentenced to death. About 30 of these 120 people were publicly broken on the wheel every year.<sup>34</sup> This offends modern sensibilities, but provostial courts were carefully regulated, acted fairly and, therefore, epitomized the regime's effort 'to be fair to the innocent and utterly merciless to the guilty'.<sup>35</sup>

This system of criminal justice could only be effective in a highly stable society. Although sudden outbursts of widespread violence such as the Croquants, Nu-Pieds, Bonnets Rouges and Camisard revolts were a fading memory, growing rootlessness amongst the population indicated a general unravelling of the social fabric. By the eve of the French Revolution, however, provostial courts no longer seemed able to deter disorder and a creeping climate of fear spread through French society.<sup>36</sup> Rising fear suddenly became panic. The assaults on châteaux and the fear of brigands exposed the frailty of the late ancien régime's machinery of repression.

#### IV

The early years of the French Revolution constitute a fourth phase characterized by a lot of violence, but little of it in the form of repression. John Markoff has counted 4,700 insurrectionary events between June 1788 and June 1793, a large number of which took place after the Constitution went into effect in October 1791.<sup>37</sup> This speaks volumes about the inability or unwillingness of both the monarchy and moderate revolutionaries to use coercive force to

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*et contemporaine*, 33 (1986), pp. 622–44, and Jacques Lorgnier, *Maréchaussée, histoire d'une révolution judiciaire et administrative* (2 vols., Paris, 1994).

<sup>34</sup> This figure is derived from table 4.7 (but excludes the anomalous sample of 1758) contained in Nicole Castan, 'Summary justice' in *Deviants and the abandoned in French society: selections from the Annales*, II, ed. R. Forster and O. Ranum (Baltimore, 1978), p. 132.

<sup>35</sup> Iain Cameron, *Crime and repression in the Auvergne and the Guyenne* (Cambridge, 1983), pp. 173–4.

<sup>36</sup> In a study of Provence, René Pillorget found an average of only 1.5 serious incidents of collective violence a year during the reign of Louis XV (1715–74), but an average of 2.5 such incidents in the years 1774–87, that is, even before the immediate pre-revolutionary crisis ('Les problèmes du maintien de l'ordre public en France entre 1774 et 1789', *L'information historique*, 39 (1977), pp. 114–19). The subject of increased fear due to social dislocation and the feeble machinery of repression is now thoroughly investigated: Nicole Castan, *Les criminels de Languedoc: les exigences d'ordre et les voies du ressentiment dans une société pré-révolutionnaire (1750–1790)* (Toulouse, 1980); Robert M. Schwartz, *Policing the poor in eighteenth-century France* (Chapel Hill and London, 1988), and Thomas M. Adams, *Bureaucrats and beggars: French social policy in the age of the Enlightenment* (Oxford and New York, 1990).

<sup>37</sup> John Markoff, 'Violence, emancipation, and democracy: the countryside and the French Revolution', *American Historical Review*, 100 (1995), pp. 360–86.

restore order.<sup>38</sup> Even after the themistocracy had been replaced by elected judges, citizen-jurors, and a criminal code based on punishing men's minds rather than their bodies, repression seemed difficult to contemplate. As Colin Lucas has argued, the revolutionaries who filled the vacuum of power created by armed insurrection and whose legitimacy rested on novel concepts of popular sovereignty simply could not define the difference between acceptable and unacceptable forms of popular violence. This left them bereft of a theory of justice that could have effectively legitimated their own use of coercive force to defend the new regime.<sup>39</sup> Without such a theory, but bent on radical social change and determined to preserve the fledgling republic, national leaders drifted into accepting and even condoning essentially unjustifiable forms of violence which only increased domestic opposition. Paris Jacobins refused to prosecute *septembriseurs* and found it ever easier to adopt *sans-culottes* solutions. As they did, the Hydra of revolt grew new heads at Lyon, Marseille, Toulon, and Bordeaux. The National Convention's imprimatur soon allowed surveillance committees, exceptional tribunals and *armées révolutionnaires* to proliferate across the country. This was terror administered 'on a national putting-out basis'<sup>40</sup> and served personal ambitions as much as revolutionary goals. For a while it was impossible to impose effective forms of measure on the exercise of coercive force.

The Terror then became a prolonged struggle to bring these instruments of state-sanctioned violence under control while continuing to wage a life or death struggle with counter-revolutionaries and foreign enemies alike. In this respect, repression in the Vendée replicated the actions of Bâville, Montrevel, and the Cadets de la Croix ninety years before. Suppression of the Vendée and Federalist revolts, including the 3000 people who perished in the sinister *noyades* at Nantes or the bloody *mitraillades* at Lyon, the condemnation and execution of 17,000 victims by over seventy military commissions and revolutionary tribunals, and the imprisonment of over 100,000 people, many only 'suspects' never put on trial,<sup>41</sup> combined to make the Terror the haunting memory for early nineteenth-century Europeans that the Holocaust is today.

Not only was the domestic state violence of 1793–4 often terrifyingly

<sup>38</sup> The revolutionaries at Tulle paralysed judicial repression of the peasant disturbances in the Corrèze in early 1790 by denouncing to the National Assembly efforts to have the local provostial court pursue the insurgents. 'Ainsi, dès février 1790, la justification de la répression ne suscite pas l'unanimité; la justice prévôtale, dès mars 1790, perd les moyens de faire appliquer ses verdicts. Un vent de peur sociale se lève': Jean Boutier, *Campagnes en émoi: révoltes et révolution en Bas-Limousin, 1789–1800* (Paris, 1987), p. 95. On the collapse of military repression, see Samuel F. Scott, *The response of the royal army to the French Revolution* (Oxford, 1978), pp. 46–92.

<sup>39</sup> Colin Lucas, 'Revolutionary violence, the people, and the Terror', in K. M. Baker, ed., *The French Revolution and the creation of modern political culture* (4 vols., Oxford, 1994), iv, pp. 57–79.

<sup>40</sup> Richard Cobb, *The police and the people: French popular protest, 1789–1820* (Oxford, 1970), p. 189.

<sup>41</sup> Donald Greer, *The incidence of the Terror during the French Revolution* (Cambridge, MA, 1935), with adjustments from J.-C. Petit, *Ces peines obscures: la prison pénale en France, 1780–1875* (Paris, 1990), pp. 90–2, 567; D. M. G. Sutherland, 'The Vendée: unique or emblematic?' in K. M. Baker, ed., *The French Revolution and the creation of modern political culture* (4 vols., Oxford, 1987–94), iv, 99–116.

arbitrary and counter-productive, as Benjamin Constant first argued in 1797,<sup>42</sup> but Jacobin ideologues failed even to give it purposive measure. The excesses of the Terror were not inevitable by-products of defending the nascent republic in the midst of a staggering war crisis, as the ruthless pursuit of the Girondins alone attests. Furthermore, the reign of virtue did not constitute a clearly defined socio-political order. In fact, Robespierre's famous speech on 5 February 1794 justifying the Terror was merely a revolutionary *surenchère* of Domat in which virtue and terror stood in for authority and force in an embarrassing attempt to put a metaphysical fig leaf over the domestic state violence of the moment.<sup>43</sup> Robespierre naturally denied seeking to justify excesses. He then supported the law of 22 Prairial II emancipating the Revolutionary Tribunal from all jurisprudence while starting a hypocritical campaign to restore measure by purging those whose excesses discredited the regime. This ominous contradiction led directly to his overthrow on 9 Thermidor. Once the Thermidorians let the politics of vengeance take over, they too lacked any theoretical means capable of distinguishing between the legitimate use of force to preserve the new democratic polity and the vigilante violence which destroyed it. Excluding all those active in the Terror would have eroded much needed support for the Republic, so the Thermidorians turned to a new constitution and the rule of law to restore order and repair the rift that the Terror had opened between state and society.

The Directory marked the beginning of another stage – the fifth by my schema – in the long history of French repression. The regime's basic premise was simple enough: representative democracy would shape the law, the law would control the exercise of coercive force, and political liberty would be assured. With their eyes on individual liberty, however, the Thermidorians neglected public security. Six years of bloody revolution had reduced the old polity to shards and badly discredited the republican effort to assemble a new one. Jacobin extremists and intransigent royalists fought one another and the government in towns and villages across the country. A crippled economy, continuous war, Catholic hostility, and generalized banditry all fed the fires of political conflict. Under these conditions, the highly democratic criminal justice system, with its elected judges and public prosecutors and its reliance on the 'intimate conviction' of citizen-jurors, failed to rise above factionalism and apply the law fairly.<sup>44</sup> Frightened by the rising tide of royalism, the Directory

<sup>42</sup> Benjamin Constant, 'Des effets de la Terreur', in Philippe Raynaud, ed., *Benjamin Constant* (Paris, 1988), pp. 162–78.

<sup>43</sup> Compare the following passage by Domat, 'Car l'autorité sans les forces seroit méprisée, et presque inutile: et les forces sans l'autorité légitime, ne seroient qu'une tyrannie' (see n. 26) with Robespierre's famous formulation: 'le ressort du gouvernement populaire en révolution est à la fois la vertu et la terreur: la vertu, sans laquelle la terreur est funeste; la terreur, sans laquelle la vertu est impuissante': E. Desprez et al., eds., *Œuvres complètes de Maximilien Robespierre* (10 vols., Paris, 1910–67), x, p. 357.

<sup>44</sup> Colin Lucas, 'The First Directory and the rule of law', *French Historical Studies*, 10 (1977), pp. 231–60; Charles Doyle, 'Internal counter-revolution: the judicial reaction in southern France 1794–1800', *Renaissance and Modern Studies*, 33 (1989), pp. 106–24.

abandoned its initial strategy of ending the revolution by fostering an impartial application of the law and turned to increasingly authoritarian means of restoring public order. This major shift began with the Fructidor coup d'état in September 1797 and culminated in Bonaparte's confirmation as First Consul for Life in August 1802. Although it hesitated to abandon constitutionalism altogether, the Directory believed it had to increase its use of military means to end 'France's worst crime wave in modern times'.<sup>45</sup> This new 'liberal authoritarianism' came to depend primarily on the army to establish tranquillity before asking the judiciary to maintain it. The Consulate perpetuated this approach.

The years 1797–1802 have never been treated as a single coherent period. None the less, they were unified by a steady march away from democracy and a mounting wave of repression. Even more significantly, taken together these five years – and not the Terror – constitute *the* pivotal period in three centuries of repression in France. During these years, traditional methods of repression were used on an unprecedented scale to restore order in large areas of endemic lawlessness so that more modern methods of surveillance, policing, and control could assert their effectiveness and maintain order thereafter. This ended the French Revolution. It also created the basic features of the surveillance and security state that dominated the nineteenth century.

The Directory's campaign to restore order in areas of endemic civil unrest was first militarized by putting communes under state of siege. The monarchy had long used the state of siege to quell resistance, such as at Dijon after the Lanturelu riots in 1630 and at Paris during the Flour War of 1775.<sup>46</sup> The Directory preferred the state of siege to actual martial law because the former transferred police powers to the local army commander and could be maintained indefinitely, whereas the latter entrusted repression to the less reliable National Guard and was quite temporary.<sup>47</sup> Although putting a town under state of siege deprived the inhabitants of their constitutional rights, the generals argued that if it were not used, the Constitution would be smothered in its cradle. The Directory gradually came to accept this rationale and increasingly used the state of siege to assert its authority over rebellious communes, especially in 1799, when the Republic faced a powerful foreign coalition, a major recrudescence of banditry, and several large regional revolts. By the coup d'état of 18 Brumaire VIII, 40 per cent of the country was under the jurisdiction of generals able to impose a state of siege wherever they saw fit

<sup>45</sup> Gordon Wright, *Between the guillotine and liberty: two centuries of the crime problem in France* (Oxford, 1983), p. 34.

<sup>46</sup> Charles Tilly, *The contentious French* (Cambridge, MA, 1986), p. 14; Vladimir S. Ljubinski, *La guerre des farines* (Paris, 1979), p. 143.

<sup>47</sup> The 10 July 1791 law that created the state of siege was remarkably well suited to this purpose even though the Constituent Assembly had no reason to believe that its legislation creating the state of siege would be so used; legislation on martial law already existed and was invoked a week later by Lafayette as a prelude to the Champs de Mars massacre. Similarly, the Convention used a proclamation of martial law, not a state of siege, to suppress the *journées* of 1–4 prairial III.



to do so. As a result over 200 communes experienced the state of siege including Lyon, Marseille, Toulon, Brest, Nice, Geneva, Antwerp, Ghent, and more than a dozen department capitals. Preventive policing by the army was usually not deemed enough to punish open hostility from rural communities, so the Republic resorted to the *contrainte solidaire* used by the absolutist monarchy whenever military force had been needed to repress tax revolt. Thus, putting a town under state of siege was often accompanied by an application of the law of 2 October 1795 which required communities to compensate victims of violence and property damage. Naturally, the troops sent to impose the state of siege took care of collecting fines. Such methods of repression ran roughshod over the revolutionary rhetoric of individualism. However, this law was still being applied in the 1830s.<sup>48</sup>

The Republic also stepped up its repression after the Fructidor coup by resorting to military justice to break the back of brigandage and counter-revolution. This took two forms. The resurrection of military commissions to judge returned émigrés and the use of regular military courts to judge civilians accused of banditry. The first measure was a revolutionary invention of 1792, virtual killing machines whose sole task was to identify and promptly execute all émigrés and exiled clerics arrested back on French soil. Although these military commissions have been central to the notion of a ‘Fructidorian Terror’, they differed significantly from the more famous military commissions of the year II. In fact, they were more like the military commissions the Bourbon monarchy had created every so often to convict and execute summarily traitors and fomenters of sedition: they were convened for specific cases, focused on a single issue, and judged without appeal. More than a dozen government directives and a spate of administrative interventions helped to make these commissions increasingly precise instruments of terror directed against those whom the regime considered its most implacable opponents – men who had opposed the Revolution, left France, returned illegally, and refused to leave again under penalty of death. These military commissions tried at least 1,000 people. Although they sent most of them back to civilian authorities to investigate further, 275 were executed, 117 deported, and 22 imprisoned.<sup>49</sup> This included numerous spies, traitors, *chouan* commanders, and brigand-priests; it also included a number of teenage boys and septuagenarian clerics whose deaths represented a sacrifice of internal measure – precision – to purposive measure – preserving the shaky Republic.

Even more important to the regime’s survival, both in scope and consequences, was the late Republic’s use of military justice to try civilians. In June

<sup>48</sup> See my article ‘From organic society to security state: the war on brigandage in France, 1797–1802’, *Journal of Modern History*, 69 (1997), pp. 661–95; Georges Carrot, *La maintien de l’ordre en France depuis la fin de l’ancien régime jusqu’à 1968* (Toulouse, 1984), pp. 440–1.

<sup>49</sup> See my article ‘Mythe et massacre: reconsidérer la Terreur fructidorienne’ (forthcoming). Victor Pierre, *18 fructidor: la terreur sous le Directoire* (Paris, 1897), found less than 200 of these cases, but this was enough for him to write the sort of polemic that can best be corrected using Cotta’s modes of measure.

1795, regular military courts received the power to try rebels captured *in flagrante delicto*. In January 1798, this power was further extended to cover civilians who committed house burglary or armed robbery in groups of three or more. This violation of the Republic's basic principles of justice – a loss of external measure – was taken directly from the ancien regime's ordinances on provostial courts. Although the Directory sought to cushion the blow to its legalistic legitimacy by adding an appeal procedure, civilians who experienced military justice under the late Republic found it rather nasty, brutish, and short. Using military courts to crack down on the most serious crimes of violence produced dramatic results, especially in areas of civil unrest. For example, the military courts of the Eighth and Twenty-Second Military Divisions (headquartered at Marseille and Tours respectively) condemned 110 people to death before the law expired in early 1800.<sup>50</sup> In cases of open revolt they became the sole instrument of judicial repression. For example, local forces easily crushed a massive peasant revolt in the Garonne valley in August 1799, killing over 1,000 in battle and capturing three times that number. However, the Directory sought to avoid further state violence by distinguishing between a small number of socially influential leaders and the mass of misled peasants. This produced wholesale releases. Two military courts at Toulouse then conducted trials for over a year, resulting in a mere 110 convictions (more than half *in absentia*) and only 16 executions.<sup>51</sup> Measure had been largely restored.

Despite the Directory's widespread use of the state of siege, community fines, and military justice, a blaze of anti-republican insurgency blurred the distinction between the end of one century and the start of the next. Whole departments were gripped by fear. The scope of *chouannerie* in Brittany and brigandage in the Midi persuaded Bonaparte that his new regime could only take hold in such areas after he had tipped the balance of fear in his favour. To do this he issued a directive in December 1800 effectively replacing three stationary military commissions created early that year with seven mobile military commissions each attached to a column of troops. Resorting to exceptional military justice again produced deliberately terrifying results. For example, during the four months such commissions operated in the Midi, they

<sup>50</sup> Archives de la Guerre, J2 287 to 289, and Archives départementales des Bouches-du-Rhône, 2R 465\* to 468\*.

<sup>51</sup> Bernard Lavigne, *Histoire de l'insurrection royaliste de l'an VII* (Paris, 1887); Joseph Lacouture, *Le mouvement royaliste dans le sud-ouest (1797–1800)* (Toulouse, 1932), pp. 149–95, 268. Jacques Godechot, *La Révolution française dans le midi toulousain* (Paris, 1986), pp. 279–302, provides a good overview, but all of his figures are wildly inaccurate; my figures for the military and judicial repression are based on the Archives départementales de la Haute-Garonne, L 442–83, AG B<sup>13</sup> 107–10, AG J2 133–7 and the *Journal de Toulouse*, an VIII. As for the repression of insurgency in the west, according to Ernest Daudet, *La police et les chouans sous le Consulat et l'Empire, 1800–1815* (Paris, 1895), p. 23, 1,200 chouans were arrested, 250 were condemned to death, and 150 killed 'while resisting arrest' between September 1800 and February 1801. Unfortunately, it is impossible to know the part played by military justice because he does not cite a source for these figures.

tried 481 men and women for brigandage, 60 per cent of whom were condemned to death. Another fifty people died ‘resisting arrest’.<sup>52</sup> Regardless of their effectiveness in curbing rural resistance, these flying columns and military commissions soon began to discredit the new regime. When the government received reports of systematic pillage and extortion, it reached for ways to reimpose measure.

Once again the late Republic looked to the ancien régime for ways to conduct controlled repression. In the spring of 1801 the Consulate virtually resurrected provostial courts in twenty-seven departments of the west and south. Like their predecessors, these Special Tribunals combined military and civilian judges, conducted trials without juries and without appeal, tried crimes associated with brigandage and counterfeiting, and even found themselves responsible for crimes committed by whole sections of the underclass. Unlike the courts of the ancien régime, however, Special Tribunals held their trials in public, provided the accused with defence lawyers, permitted oral debate, and relied on moral proof for conviction. Deputies who had suffered through twelve years of upheaval saw merit in the monarchy’s practice of using well-regulated exceptional justice to complement the ordinary judicial system. Paradoxically this also preserved the jury system, that revolutionary ‘palladium of liberty’, for regular criminal courts. In their first six months, Special Tribunals judged 1,200 people, one third of whom faced death or long years in the *bagne* for house breaking, armed robbery, or group assault using deadly force.<sup>53</sup> Though intended only as temporary courts, the ability of Special Tribunals to deliver controlled repression allowed them to become permanently ensconced in Napoleon’s system of criminal justice.

The paradox of consolidating the revolutionary settlement using methods of repression developed by the ancien régime is apparent in the way the army and exceptional justice supplanted democratic institutions. The striking novelty, however, is the extent to which each of these measures was revived within a more legalistic strait-jacket designed to prevent coercive force from becoming obvious state violence. Thus, the particular forms of repression used during the years 1797–1802 were the product of opposing factors. During these years, a variety of domestic enemies used anything from local elections to open treason, including political murder and corrupted juries, to prevent the regime from taking root. Such ardent opposition made the use of force essential to preserve

<sup>52</sup> These figures derive from AG B<sup>13</sup> 136, historical bulletin of the Ninth Military Division, 30 floréal IX; AG B<sup>13</sup> 134, table of operations for the Eighth Military Division, 5 germinal IX; François de Nantes’s report to the Consuls published in Félix Rocquain, *L’état de la France au 18 Brumaire* (Paris, 1874), p. 69; and Roger Maltby, ‘Le brigandage dans la Drôme, 1795–1803’, *Bulletin de la société d’archéologie et de statistique de la Drôme*, 79 (1973), app. B, p. 133.

<sup>53</sup> Marcel Marion, *Le brigandage pendant la Révolution* (Paris, 1934), p. 225, provides the overall figure; my extrapolation for serious crimes is based on the records of the Special Tribunals at Le Mans and Montpellier, Archives départementales de la Sarthe, 1U 736, 737, and Archives départementales de l’Hérault, 2 U<sup>2</sup> 1\* and 8\*. D. Bouguet, ‘Une juridiction d’exception: le tribunal criminel spécial d’Indre-et-Loire (an IX–1811)’, *Histoire de la justice*, 7 (1994), pp. 89–116, found a lower ratio by examining a calmer department over a longer period.

the regime. However, the late Republic was also struggling to overcome the virtual collapse of legitimacy republicanism had suffered as a result of the Terror. As a fledgling democracy, the late Republic had an especially acute need to build a social consensus. This required a determined effort to impose measure on the use of coercive force. Any signs of arbitrariness or excess would only further erode the regime's credibility. Therefore, these two opposing factors generated forms of military and judicial repression that reshaped old practices to fit the new doctrine of legal-rational authority based on constitutionalism and the rule of law. This basic framework for the repertoire of repression lasted as long as France remained a society run by and for wealthy notables, that is at least until the 1880s.<sup>54</sup>

## V

Many of the repressive techniques that enabled Bonaparte to consolidate his power were echoed in the nineteenth century down to the Third Republic. Leaving aside the more quotidian responses to food riots, strikes, and resistance to conscription, all of which risked serious bloodshed, five waves of repression stand out – 1816–18, 1832, 1834, 1848, 1851–2, and 1871. Despite their apparent diversity, however, these waves of repression stretching over more than half a century should be seen as essentially improvisations on the repressive melody composed during the years 1797–1802. In every case, this melody is clearly heard in the various legal-rational forms of measure imposed on the use of force. The improvisations on this melody were the product of clashing ideologies, or perhaps more precisely, of different visions of the social order competing for political power.

This essential continuity is best illustrated by the various forms exceptional justice took when used for repressing resistance or revolt. In 1816–18, the Restoration Monarchy merely renamed Napoleon's Special Tribunals what they had always been, Provostial Courts, and then extended their jurisdiction to include enforcing Décazes' anti-sedition laws. Each department had a single Provostial Court consisting of one senior army officer and five civilian judges. Although they handled an impressive total of 2,280 cases, only one third of these dealt with either political opposition to the new regime or serious threats to public order.<sup>55</sup> In fact, only twenty-eight cases, or slightly over 1 per cent,

<sup>54</sup> For developments thereafter, see Patrick Bruneteaux, *Maintenir l'ordre* (Paris, 1996). He argues that the consolidation of a fully democratic polity in the years 1880–1921 replaced the existing pattern of repression (described rather crudely as using the army to crush armed resistance) with one designed to permit open dissent and maintain order at the same time.

<sup>55</sup> This one third consisted of 237 cases of seditious speech, writing, or displays of the tricolor, 243 cases of armed rebellion, and 175 cases of seditious assembly or forming an armed band. Thus only 418 cases (18 per cent) pertained to serious threats to public order and only 28 of these were politically motivated, Daniel P. Resnick, *The White Terror and political reaction after Waterloo* (Cambridge, MA, 1966), pp. 83–99; André Paillet, 'Les cours prévôtales (1816–1818)', *Revue des deux mondes*, 81 (1911), pp. 123–49.

involved politically motivated collective violence, the type of crime used to justify their creation. So little obvious need for this exceptional justice demonstrated the effectiveness of the regular administrative and judicial apparatus created by the Consulate. Furthermore, the Provostial Courts were excessively harsh in repressing violent political opposition, such as after the scattering of would-be insurgents at Lyon in June 1817 when thirteen were condemned to death (eleven executed) and seventy-five to deportation, hard labour, or prison. This and other obvious excesses by the Provostial Courts earned the Restoration monarchy such opprobrium that even an intransigent royalist minister like Hyde de Neuville welcomed their abolition.<sup>56</sup>

Later regimes also found the existing state apparatus satisfyingly authoritarian and only rarely needed more. When they did, they resorted to the repressive techniques shaped by the late First Republic. Under the July Monarchy, the simultaneous conspiracy of the duchesse de Berry and the Parisian insurrection of June 1832 inspired the defenders of *le juste milieu* to resort to exceptional justice. Employing the state of siege – as was done in four departments of the west for a year and in Paris for three weeks – automatically authorized military courts to judge civilian insurgents. However, the Tribunal de Cassation annulled the first judgements in Paris as contraventions of the Constitutional Charter of 1830.<sup>57</sup> It was this sort of legalism that liberals brought to the exercise of authoritarian rule. Therefore, after regular soldiers inflicted heavy casualties putting down revolts at Lyon and Paris in April 1834, those charged with provoking the insurrections were tried by the Court of Peers, not a court martial.<sup>58</sup> Nevertheless, military justice was again deployed in June 1848 when the National Assembly put the capital under state of siege and the army and *garde mobile* brutally cleared the streets, killing at least 2,000 people. Setting aside the Tribunal de Cassation's earlier ruling by restoring the link between the state of siege and military justice allowed four military commissions to decide the fate of over 11,000 prisoners, 255 of whom were handed over to military courts as leaders or instigators of insurrection. They

<sup>56</sup> Sixty-nine of these were either commuted or pardoned, a sure sign of initial excess: Paillet, 'Cours prévôtales', p. 141.

<sup>57</sup> Jean Vidalenc, 'Les troubles de l'ouest au début de la Monarchie de Juillet', *88<sup>e</sup> congrès des sociétés savantes. Section d'histoire moderne et contemporaine* (1963), pp. 331–66; Carrot, *Maintien de l'ordre*, pp. 426, 437–9. The illegal use of *garnisaires* and military justice in the west was also stopped by the courts (Hugues de Changy, *Le soulèvement de la duchesse de Berry 1832* (Paris, 1986), pp. 148–9, 216–17).

<sup>58</sup> At Lyon soldiers outnumbered insurrectionaries almost ten to one, used canons to flatten barricades and houses, and killed more than 300 people in six days. Even though 121 officers and soldiers were also killed, the evidence of atrocities at Vaise, together with the more famous massacre of the rue Transnonian in Paris that same month, badly sullied the army's reputation. Government chicanery in the *procès monstre* for the various insurrections of 1834 further eroded the legitimacy of the repression and in 1837 all the convicted were amnestied: Robert J. Bezucha, *The Lyon uprising of 1834* (Cambridge, MA, 1974), pp. 44–55, 175–92; Claude Latta, 'Lyon 1834: les victimes de la répression de la seconde révolte des canuts', in Philippe Vigier, ed., *Répression et prison politiques en France et en Europe au XIX<sup>e</sup> siècle* (Paris, 1990), pp. 21–46.

also improvised on the Directory and Consulate's deportations of political opponents and the detritus of brigand bands by sentencing 3,357 to transportation.<sup>59</sup> The savagery of the fighting, the summary executions during combat, and the use of military justice afterwards, testify to deep-seated fears of working-class insurgency. The spectre was so great that even Charles de Rémusat and Victor Hugo wrote of their relief once order had been restored. A contemporary ditty summed up the somewhat different attitudes of the populace: 'Ah! De par la loi que du moins le sang coule. Vive la légalité.'<sup>60</sup> Riding roughshod over constitutionalism was not new and merely confirmed this as domestic state violence in all but purposive measure – it was after all conducted in defence of a nascent republican polity founded on a basically conservative model of the social order.<sup>61</sup> As had been demonstrated fifty years earlier, a republican regime could earn more support for repression than for republicanism *per se*.

The methods of repression used to end the Second Republic were much the same as those which accompanied the end of the First Republic, albeit the scale was enormously greater in 1851–2. Widespread insurrection provoked the formation of flying columns authorized to shoot fugitives and summarily execute armed rebels. Thirty-two departments were put under a state of siege which again activated exceptional military justice. However, the military commissions set up to function like those of 1848 proved too blunt an instrument for the political needs of the day. Therefore, the infamous departmental Mixed Commissions were created, combining the prefect, public prosecutor, and commanding general. In a mere six weeks they dealt with a staggering 26,884 cases.<sup>62</sup> Mixed Commissions passed sentence on political opponents of the regime – many of whom had not even taken part in the insurrection – but sent those accused of purely criminal offences before other courts. Significantly, civilians accused of murder were once again tried by regular military courts.<sup>63</sup> As the historian of this repression has written, 'The

<sup>59</sup> Carrot, *Maintien de l'ordre*, pp. 500–1.

<sup>60</sup> Quoted in Frédéric Chauvaud, *De Pierre Rivière à Landru: la violence apprivoisée au XIX<sup>e</sup> siècle* (Paris, 1991), pp. 126–7.

<sup>61</sup> This point is emphasized by Roger Price, *The French Second Republic: a social history* (London, 1971), pp. 187–92.

<sup>62</sup> These military commissions consisted of three army officers and sat from 19 December to 17 January. Those charged with murder or pillage were to be tried militarily; other rebels were to be deported; and those acquitted were freed. For a rare vision from above, see Thomas R. Forstenzer, *French provincial police and the fall of the Second Republic: social fear and counterrevolution* (Princeton, 1981). For two fine visions from below: Ted W. Margadant, *French peasants in revolt: the insurrection of 1851* (Princeton, 1979), and John M. Merriman, *The agony of the republic: the repression of the left in revolutionary France, 1848–1851* (New Haven, 1978).

<sup>63</sup> Thus the Mixed Commissions tried four categories of people considered politically undesirable by the regime: (i) those who had taken up arms against the coup d'état, (ii) members of Montagnard societies, (iii) socially dangerous elements of the population, and (iv) political rivals of conservative notables. On 27 March 1852 a decree ended extraordinary powers by lifting the state of siege and dissolving the Mixed Commissions. In addition to Forstenzer, Margadant, and Merriman, see Vincent Wright, 'The coup d'état of December 1851: repression and the limits to

sheer numbers involved... the kangaroo court procedures (defence attorneys were never present at a hearing, no witnesses were heard, and the defendant himself was physically absent from the 'court' room), the total disregard for civil or criminal law in determining guilt or innocence... and the severity of the sentences imposed – all indicate – that the new wave of repression was an extremist measure.<sup>64</sup> This is not a moral judgement; it is a technical assessment of the way in which Louis Napoleon destroyed external measure by breaking the legal shackles on the use of coercive force and thereby turned it into domestic state violence. The failure of civilian judges to resist this parody of judicial procedure was the essence of 'liberal authoritarianism': hard-won civil and political rights would not stand in the way of preserving the social order in times of crisis.<sup>65</sup> The repressions of 1797–1802 and 1851–2 were both brutal, authoritarian responses to violence inspired by rural resistance to the state, political mobilization along ideological lines, and economic grievances. However, the Directory and Consulate had mainly constructed their repression on the basis of criminal categories whereas Louis Napoleon's repression was decidedly more political, targeting thousands of republican activists even if they could not be linked to armed resistance. Seeking not just to seize power but to destroy the radical republican movement made this round of repression all the more violent.<sup>66</sup>

The alliance of rural notables and urban bourgeois once again let their fears of socialist revolution lead to more domestic state violence in 1871. Repressing the Paris Commune with a full-scale, slow-moving military assault and a massive recourse to military justice was the *reductio ad absurdum* of 'liberal authoritarianism' and once again came at a time of foreign war. Much of the appalling slaughter of the *semaine sanglante* was carried out 'systematically and coldly'<sup>67</sup> because army officers were given virtual *carte blanche* when dealing with suspected rebels. Senior officers hastily assembled over twenty military

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repression', in Roger Price, ed., *Revolution and reaction: 1848 and the Second French Republic* (London, 1975), pp. 303–33.

<sup>64</sup> Forstenzer, *Provincial police*, p. 226.

<sup>65</sup> I have coined the phrase 'liberal authoritarianism' to avoid the exaggerated connotations of 'police state' (Stanley Payne), the essentially timeless quality of 'limited authoritarianism' (Stanley Hoffman), and the teleological aspect of 'counterrevolution' (Thomas Forstenzer). In addition to avoiding these pitfalls, 'liberal authoritarianism' constitutes a *triple entendre* by expressing (1) the limits the liberal (i.e. rights based and constitutionally defined) legal system placed on the powerful police apparatus, (2) the government's repeated recourse to a liberal (i.e. heavy) use of armed force to resolve socio-political crises, and (3) the support liberals (i.e. those who represented the *juste milieu*) generally gave to these contradictory aspects of governance throughout most of the nineteenth century.

<sup>66</sup> In Paris authorities even abandoned a strategy of maintaining order in favour of letting armed resistance develop openly in order to crush it more fully: Olivier Pelletier, "'Figures imposées": pratiques et représentations de la barricade pendant les Journées de décembre 1851', in Alain Corbin and Jean-Marie Mayeur, ed., *La Barricade: actes du colloque organisé les 17, 18 et 19 mai 1995 à Paris* (Paris, 1995), pp. 251–68.

<sup>67</sup> Robert Tombs, *The war against Paris 1871* (Cambridge, 1981), p. 171.

tribunals, some regular, some irregular, none operating according to the law, but all covered by a simulacra of legality. It was not the fighting itself, but the attendant firing squads, the practice of shooting *communards* captured with arms in hand, and simple arbitrary execution on the basis of black hands or a criminal countenance that accounted for most of the estimated 20,000 people killed in six days. Such carnage may have stemmed partly from the pillage, razzias, and massacres to which army officers had become accustomed in Algeria and Mexico,<sup>68</sup> but the retributive military justice which followed was purely a product of governing the *metropole*. Twenty-six regular military courts, the same as those used to try civilians in 1798–1800, took three years to prosecute more than 13,000 *communards*; only 23 were executed, but over 4,000 were deported to New Caledonia and another 1,600 sentenced to prison or hard labour. The numbers would have been even higher if a general sense of excess had not inspired courts to temper the law and the government to commute hundreds of sentences.<sup>69</sup> As with the Camisards and the Vendée, repressing the Commune led to a breakdown of measure because a profound social realignment, this time due to rapid industrialisation, exaggerated the threat, real though it was, to the recently founded regime. Furthermore, as with so many previous incidents of domestic state violence, repression of the Commune took place with foreign war as the immediate backdrop. This combination of external and internal threats tended to heighten government fears while the recourse to violence in the international arena encouraged a similar response at home. Equally, each time the domestic deployment of force escaped contemporary forms of measure and deteriorated into state violence, the dangers of increasing the means to assert a monopoly of legitimate force in society became more horrifyingly obvious.

## VI

This phenomenon of increasingly concentrated force producing ever more destructive outbreaks of domestic state violence was paradoxically part of the civilizing process. Norbert Elias has observed that the expropriation of private vengeance by the criminal justice system facilitated the concentration of armed force for the purpose of waging war. Zygmunt Bauman has noted that this storing up of physical force in the police and army, institutions beyond the control of ordinary citizens, tended to insulate the use of force from moral calculation and led in the twentieth century to bouts of cruelty and extermination on a mass scale even where patterns of civility had been most

<sup>68</sup> Jean-Claude Freiermuth, 'L'armée et l'ordre en 1870–1871: le cas Vinoy', in Philippe Vigier, ed., *Maintien de l'ordre et polices en France et en Europe au XIX<sup>e</sup> siècle* (Paris, 1987), p. 49.

<sup>69</sup> In addition to Tombs, see the detailed description of repression in Roger Pérenès, *Déportés et forçats de la Commune: de Belleville à Nouméa* (Nantes, 1991), and Jacques Rougerie, *Paris insurgé: la commune de 1871* (Paris, 1995), where it is calculated that almost 35,000 people were arrested following the insurrection, most of whom spent a few months in fortresses or prison hulks before being released without trial.



developed.<sup>70</sup> Anthony Giddens has described efforts to monopolize the control of violence as a process of internal pacification generated by the emergence of an international states system, bureaucratic forms of surveillance, capitalism induced polyarchy, and notions of citizenship.<sup>71</sup> These are important insights, but using Cotta's theory to distinguish between force and violence over three centuries of French history helps us to see how the civilizing process and the nation-state's concomitant concentration of the potential for violence had consequences which Elias and Giddens have ignored. As we have seen, when a regime passed from measured force to domestic state violence, it usually did so not so much to restore order as to consolidate socio-political realignment. In other words, order could have been restored with fewer travesties of internal, external or purposive measure, but doing so would only have preserved the social order as it existed before the cycle of revolt and repression without helping to consolidate a new regime. Such transitional periods are usually described exclusively in terms of the enhanced power of the state. However, they should also be seen as times when new ways of resisting and restricting the exercise of state power were elaborated. As pointed out earlier, recourse to domestic state violence alienates society and requires a regime to find new ways of generating consensus. In other words, purposive measure is recreated. For example, after the marked increase in repression during the years 1640–75, the rapid expansion of venal office holding provided a mechanism to allow the themistocracy to limit the exercise of coercive force and protect the social order at the same time. After the previously unimaginable repression of the Terror, various forms of constitutionalism and restricted male suffrage (censitary or plebiscitary) allowed a society of notables to establish itself and then parry most threats to it.

Periods replete with domestic state violence also led to new ways of ensuring that coercive force had external and internal measure alike. Given that external measure became increasingly defined by law and internal measure by bureaucratic forms of control, it is appropriate to combine them using Weber's notion of legal-rational authority. Thus, just as civility came to mean new standards of personal self-control, the development of legal-rational authority reflected the polity acquiring new forms of self-control; that is, it became the principal mechanism for trying to ensure that the increasingly concentrated potential for violence remained only a monopoly of *legitimate* force in society. The years 1797–1802 constituted the pivotal phase of this process because this was when so many methods of repression developed under various regimes – ranging from emergent absolutism to the Terror – were revived, only now wrapped in the restraints of legal-rational authority. This combination then

<sup>70</sup> Norbert Elias extended the argument he made in his *The civilizing process* (2 vols., Oxford, 1982), II, pp. 91–225, into twentieth-century Germany in his lecture 'Violence and civilization: the state monopoly of physical violence and its infringement', in John Keane, ed., *Civil society and the state* (London, 1988), pp. 177–98. However, he never fully addresses the 'social production of distance' elaborated in Zygmunt Bauman, *The Holocaust and modernity* (Ithaca, 1989).

<sup>71</sup> Anthony Giddens, *The nation-state and violence* (Cambridge, 1985).

persisted down to the Third Republic without substantial changes other than the sheer growth in the potential for domestic state violence.

The significance of this period for the history of repression in France is confirmed by *Le Grand Larousse. Repressio*, the Latin root of the French word 'répression', originally denoted the dominance of temperance, prudence, and justice over an individual's passions. It then moved from being an individual action to a collective one: a means by which the entire community maintained its equilibrium against forces threatening it. In other words, the virtue of temperance was extended to the community. Thus, from the late fourteenth to the late eighteenth century, 'répression' meant 'action de contenir'. This meaning was then quickly displaced by 'action de réprimer', which dates from 1802. In this sense, repression is an attempt to return to a previous state, a reversal which destroys what has been done. Following Cotta, if an act of force lacks 'measure' it becomes violence and provokes either fear or disrespect, whereas if it remains within the bounds of measure it generates respect, which, in political terms, means authority and legitimacy. This is akin to temperance as a political virtue. Shifting the primary meaning of repression from using force to contain to using force to repress accompanied the distillation of state power from its social bases. This occurred most rapidly in the immediate aftermath of the French Revolution. The early modern notion of repression as an act of preserving the social order reflected a general cooperation between local magistrates and the majority of the populace as confirmed by the crowd's all important role in endorsing public executions. However, whenever the army and royal intendants got involved, their purpose was less to preserve order than to restore it. The shift was largely completed in 1797–1802 when mobile columns, military commissions, special tribunals and state-appointed 'security magistrates' intervened to restore order during a period of astonishingly widespread lawlessness. The consequences were only fully realized later in the nineteenth century when it was no longer necessary to have crowds at public executions in order to reaffirm the relationship between official justice and social stability; representative democracy and professional policing provided the alternative. Thus, during the era of 'liberal authoritarianism', the repeated recourse to massive coercive force revealed little concern with temperance, prudence or justice because these principles were ostensibly embedded in 'legal-rational' means of both ensuring an effective restoration of order and containing the potential for domestic state violence. The difference is manifest by the changed role of amnesties. During the Croquant revolts, amnesties were negotiated as part of the return to order and therefore helped to bring temperance and prudence to the repression. In contrast, the belated amnesties of 1879 and 1880 were only made possible by a party-politicized sentiment that the judicial repression following the Commune had been excessive.