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## Domestic State Violence: Repression From The Croquants To The Commune

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Historians of France have paid considerable attention to various forms of collective violence ranging from religious rioting to labor 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 mentalités 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 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 I will henceforth call domestic state violence. The difference between legitimate use of force and domestic state violence is easily missed. For example, legions of scholars think they are borrowing a brilliant Weberian phrase when they speak of the state as the monopoly of violence in society, but such a statement completely corrupts Weber's idea. In fact, Weber spoke of the state as "that agency in society which has a monopoly of legitimate force." Violence and the legitimate use of force are not interchangeable concepts, they are intrinsically opposites, even if extrinsically indistinguishable. It needs to be emphasized that despite appearances, the difference between force and violence is not like beauty, in the eye of the beholder, nor is it merely a matter of semantics. Let us deal with each of these in turn.

Hannah Arendt's statement, "Violence can be justifiable, but it never will be legitimate," captures an essential aspect of violence, it 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 terms of social harmony and public order. Nonetheless, 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 needed either to maintain, restore, or increase social harmony. This leaves a conundrum of subjectivity. Differences of opinion about the justness of a particular social order compared to a potential alternative become the basis for assessing the use of coercion. It becomes violence, and therefore illegitimate, only in the eye of the beholder.

Under these conditions, describing a particular use of force as violence essentially condemns it on moral grounds. However, if we want to analyze 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 greatly reduces the assessment of coercive force in terms of whether its end justifies the means. The Italian legal philosopher Sergio Cotta has developed such a theory. Cotta distinguishes between force and violence on the basis of their structural characteristics. Both have a physical dimension and disturb existing relationships, but unlike force, violence is 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 social, moral, or legal norm. Finally, purposive measure means using force to defend or establish a specific form of the polity. (It should be stressed that purposive measure is not related to an abstract end such as liberty, equality, or social justice, but only to the socio-political system deemed capable of achieving such an end.) 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. This theory of violence provides a way of analyzing the use of force to repress revolt without the moralistic tint that ends often cast on means.

Cotta's theory can help us both reduce the level of our personal moral judgement and increase our sensitivity to the moral judgements and discursive strategies of people who witnessed a particular cycle of revolt and repression. Such an approach then makes it possible to combine *histoire venementielle* 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 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 toward 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.

The first of these six stages lasted from the end of the Wars of Religion to about 1640, and could be called the Croquants phase. During this period, the monarchy struggled to become the senior partner in its relationship to all major powerholders 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. After several weeks of widespread peasant mobilization, the Duc de la Valette confronted the rebels at La Sauvetat where his 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 25 houses with women and children still inside. La Valette later turned 40 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 25 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. This preserved the province from extensive repression. 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 are notoriously difficult to restrain once a bloody victory has been won--the repression of 1637 in the Périgord was measured, especially externally and purposively. 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. 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 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. 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. 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 harmony. 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 extensive 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 had the ability to control.

No one doubted that the revolt of the Nu-Pieds seriously challenged royal authority. It broke out during wartime, swept both the towns and countryside of lower Normandy, and was at least tacitly supported by the provincial elite. Louis XIII quickly announced the need for exemplary punishment and hoped that this would help to avoid "extreme remedies." 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 an unprecedented military repression. Colonel Gassion and 5,200 royal troops swept into the province and broke the back of the rebellion in a pitched battle at Avranches. 300 rebels 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 told them to live at local expense. The soldiers promptly pillaged and raped with such abandon that courts martial were needed to restore army discipline. 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, executed, 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 11 men to breaking on the wheel, 35 to hanging, 17 to the galleys, and 37 to banishment from Normandy for life (about half of these were in absentia). 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."

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. 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 force peasants to pay their taxes. In 1643, the crown redefined tax rebellion as treason, thus enabling intendants to commandeer royal courts and personally prosecute both rebels and magistrates who condoned their actions. This became a common feature of repressing tax rebellions, especially when they reached epidemic proportions during the Fronde.

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 30s. Post-Fronde rebellions were no longer characterized by open alliances between commoners and provincial powerholders. In each of the rebellions from the Saboteurs 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. For example, the Roure revolt of 1670 in the Vivarais was stamped out by an awesome force of 4,500 troops, the kings' musketeers, led by d'Artagnan himself, 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 fleeing 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 be on 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.

Such behavior 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 of force ever more carefully. The Papier Timbré and Bonnets Rouges revolts

in Brittany in 1675, the last major anti-tax revolts of the *ancien régime*, 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, had a full-scale army of 6,000 troops land at Nantes, he made sure it was supplied through the new system of *étapes* rather than permit the indiscriminate havoc that would result from letting it feed itself. 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 level of devastation inflicted elsewhere in the period. The judicial punishment was also harsh but measured. As usual, the province's *présidial* courts tried rebels "prevotally and without appeal," but less than ten were condemned to death and none sent to the galleys. More spectacularly, Rennes was totally disarmed, its Parlement transferred to Vannes, and an army of 10,000 troops quartered for the winter in Brittany. All the same, considering the scale of revolt and the rebels' capture of both the provincial governor and the bishop of Saint-Malo, the methods and level of repression fit the new expectations of the period, as the correspondence of Mme de Sévigné indicates. 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 Camisards revolt of 1702-05 when excessive and uncontrolled measures of repression actually increased and prolonged the revolt. When there was no 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 Cvennes shooting peasants and burning villages, the intendant Bâville allowed local Catholic bands known as Florentins and Cadets de la Croix to pillage and massacre with, as one royal soldier wrote, "such an excess of cruelties that one can hardly help but criticize and detest them." These measures provoked fierce resistance and actually carried the Camisards to the apogee of their power in early 1704. Three years of religious cleansing culminated in the capture of fifty diehards in April 1705. As had been the case numerous times before, Bâville sat with the *présidial* court at Nîmes, sentencing two to be burned alive, four to be broken on the wheel, and numerous others to hanging or life in the galleys. The risk of further public disturbance was so great, however, that the burnings and breakings had to be conducted under the guns of the citadel and surrounded by royal regiments. Nothing better illustrates the hostility that domestic state violence à la Louis XIV could provoke from the local population.

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After the period 1640 to 1675, which I've called somewhat misleadingly the Louisquatorzian phase of repression, came a century of first consolidating then defending the new absolutist order. In order to overcome the alienation created by repeated recourse to 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. Some episodes of repression, such as the Grands Jours d'Auvergne (1665-6) were themselves 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. However, these never sought to remove the essential link between social status and judicial power: venality of office. The persistence of venal office-holding throughout the eighteenth century gave life to the themistocracy, 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.

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." Second, external measure: at 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 criminal procedures, and left judges largely free to pronounce the sentences they saw fit. Henceforth, the themistocracy would parry threats to public order and, equally importantly, prevent retributive justice from degenerating into domestic state violence. Although the government often demanded heavy sentences for eighteenth-century grain rioters, magistrates usually did not oblige. 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. 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. Nonetheless, 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. 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, 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 *présidial* 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 7,000 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. The *maréchaussée's* contribution only became substantial when coupled with its judicial arm, thirty-three *présidial* 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 80s were sentenced to death. About 30 of these 120 people were publicly broken on the wheel every year. This offends modern sensibilities, but *présidial* 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."

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, Bonnet Rouges and Camisards revolts were a fading memory, growing rootlessness amongst the population indicated a general unraveling of the social fabric. By the eve of the French Revolution, however, these courts no longer seemed able to deter disorder and a creeping climate of fear spread through French society. Rising fear suddenly became panic. The assaults on chateaux and the fear of brigands exposed the utter frailty of the late *ancien régime's* machinery of repression.

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The early years of the French Revolution witnessed 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. This speaks volumes about the unwillingness and inability of both the monarchy and moderate revolutionaries to use coercive force to restore order. 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 had a hard time defining 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 use of coercive force to defend the new regime. Without such a theory, but bent on radical social change and defense of 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 Lyons, 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 on a putting out basis," as Richard Cobb called it, and for awhile it was impossible to impose any forms of measure on the exercise of coercive force.

The Terror then became a prolonged struggle to bring these instruments of state violence under control while at the same time waging 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, together with widespread imprisonment without trial, and the operations of over seventy military commissions and revolutionary tribunals helped to make the Terror the haunting memory for nineteenth-century Europeans that the Holocaust is today.

Robespierre did nothing to give all of this state violence purposive measure--the reign of virtue was not a clearly defined socio-political order. In fact his famous speech on 5 February 1794 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. When he tried to do something practical to restore measure by purging those whose excesses discredited the regime, it led directly to his downfall. 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: democratic institutions 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 rent the very fabric of the polity and left the new regime with little power to stitch it together again. Extremist factions on the Jacobin left and the royalist right fought one another in towns and villages throughout the country. Economic chaos, foreign war, Catholic hostility, and widespread banditry exacerbated the pervasive political strife. 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. Exasperated by the threat resurgent royalism posed to the regime's survival, the Directory abandoned a strict adherence to the rule of law in favor of 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." This new 'liberal authoritarianism' came to depend heavily on the army to establish stability before relying on the judiciary to maintain it--an approach borrowed from the Bourbons and passed on to Bonaparte.

The years 1797-1802 have never been treated as a single coherent period. Nonetheless, 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. 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. 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 % of the country was under the jurisdiction of generals able to impose a state of siege wherever they saw fit 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 early years of the July Monarchy.

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. The Directory worked steadfastly to make these commissions a precise instrument 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. I have identified 724 people tried by more than two dozen of these military commissions; although the majority were handed back to civilian authorities to confirm their status, 288 were executed, 41 deported, and 16 imprisoned. This included spies and chouan commanders as well as adolescent boys and septuagenarian priests.

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 January 1798 the writ of regular military courts was extended from military personnel and rebels captured in flagrante delicto to civilians who committed house burglary or armed robbery in groups of three or more. This violation of the Republic's basic principles of justice was taken directly from the ancien régime's ordonnances on prévôtal 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. The military courts of the 8th and 22nd Military Divisions (headquarters at Marseille and Tours respectively), condemned 110 to people to death before the law expired in early 1800.

Two regular military courts were the sole instruments of judicial repression after the large peasant revolt around Toulouse in the autumn of 1799. Local forces had easily defeated the insurrection, killing as many as 4,000 and imprisoning even more. However, the Directory avoided further state violence by falling back on an old notion of the difference between a small number of socially influential leaders and the mass of misled peasants. This led to wholesale releases and less than a hundred actual prosecutions.

Despite 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 Rhône Valley convinced Bonaparte that the new state apparatus would only take root in areas of endemic unrest after the government had tipped the balance of fear in its favor. To do this he created seven flying columns of troops and attached a mobile military commission to each. Again applying the pawl of exceptional military justice to the ratchet wheel of repression produced deliberately terrifying results. For example, during the four months that two such commissions operated in the eight departments of Provence and Bas-Languedoc, they tried 461 men and women for crimes of brigandage, 60 % of whom were condemned to death. This does not include several dozen brigands killed in skirmishes or while being transported to prisons. Regardless of their effectiveness in curbing rural violence, flying columns and military commissions could not be used long without discrediting the new regime. Having such dreadful means at their disposal incited army commanders to reckless terror. For example, the flying columns under General Garnier in the Basses-Alpes became a byword for brutality. Reports of systematic pillage and extortion got back to Paris and inspired the Consulate to find a more controllable alternative.

Once again the late Republic looked to the ancien régime for ways to conduct measured repression. In the spring of 1801 the Consulate virtually resurrected prévôtal courts in twenty-six 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 ancien régime courts, however, Special Tribunals held their trials in public, provided the accused with defense 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. Though intended only as temporary courts, Special Tribunals remained a permanent feature of the Napoleonic judicial system. In their first six months, Special Tribunals judged 1200 people, over one third of whom faced death or long years in the bagné for house breaking, armed robbery or collective violence.

The paradox of consolidating the revolutionary settlement using ancien régime methods of repression 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 straight-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. This demanded the use of force to defend the regime. However, the late Republic was also struggling to overcome the radical loss 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 legitimacy. Therefore, these two opposing factors generated forms of military and judicial repression that reshaped old practices to fit the new cult 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 of notables.

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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, five waves of repression stand out--1816-18, 1832, 1848, 1851-52, and 1871. Despite their diversity, however, they 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 forms of measure imposed on the use of force. The improvisations were the product of clashing ideologies, itself a nineteenth century variation on the theme of competing social visions.

Take the various forms of exceptional justice, for example. In 1816-18, the Restoration Monarchy merely renamed Napoleon's Special Tribunals what they had always been, Provostial Courts, and then combined prévôtal justice with enforcement of Décazes' anti-sedition laws. Although one-third of the 2,280 cases judged by the Provostial Courts dealt with either serious threats to public order or political opposition to the new regime, only 28 cases, or slightly over 1 %, involved politically motivated collective violence. So little obvious need for this exceptional justice demonstrated the effectiveness of the state apparatus inherited from Napoleon.

Later regimes had much the same experience. Under the July Monarchy, only the simultaneous conspiracy of the duchesse de Berry and the Parisian insurrection of June 1832 inspired the defenders of the bourgeois order 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 insurrectionaries. However, the Tribunal de Cassation annulled the first judgements in Paris as contraventions of the Constitutional Charter of 1830. Nonetheless, this combination 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 also improvised on the Directory and Consulate's deportations of political opponents and the detritus of brigand bands, by sentencing 3357 to transportation. The savagery of the fighting, the summary executions during combat, and the recourse to military justice afterwards, testify to the nation-wide fear of working class insurgency. 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 defense of a basically conservative vision of the social order. 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 1851-52. 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 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 in eighty-two departments. 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 offenses before other courts. Significantly, civilians accused of murder were once again tried by regular military courts. As the historian of this repression has written, "The sheer numbers involved ... the kangaroo court procedures (defense 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." The repressions of 1797-1802 and 1851-52 were both brutal, authoritarian responses to violence inspired by rural resistance to the state, political mobilization along ideological lines, and economic grievances. Nonetheless, the Directory and Consulate had mainly constructed their repression on the basis of criminal categories whereas Louis Napoleon's repression was decidedly political.

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 Commune with a full-scale, slow-moving military assault and a massive recourse to military justice was the *reductio ad absurdum* of 'liberal authoritarianism.' Much of the appalling slaughter of the *semaine sanglante* was carried out "systematically and coldly" because army officers were given virtual *carte blanche* when dealing with suspected rebels. Senior officers hastily assembled over twenty military tribunals, some regular, some irregular,

none operating according to the law, but all covered by a simulacrum of legalism. The attendant firing squads and the practice of shooting communards captured with arms in hand account for most of the estimated 17,000 to 20,000 people the army killed in six days. Retributive military justice again followed. Twenty-six regular military courts, the same as those used to try civilians in 1798-1800, took three years to prosecute over 13,000 suspected insurgents; only 23 were executed, but 4,500 were deported to New Caledonia and 6,000 sentenced to prison or hard labour. As with the Camisards and the Vendée, repressing the Commune led to a breakdown of measure because a massive realignment of the social order exaggerated the threat, real though it was, to the recently founded regime. Equally, each time force escaped contemporary forms of measure and deteriorated into domestic state violence, the dangers of increasing the monopoly of legitimate force in society became more horrifyingly obvious.

This phenomenon of increasingly concentrated force producing ever more destructive outbreaks of domestic state violence was paradoxically part of the civilizing process as analyzed by Norbert Elias. He 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. 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 developed. 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 concomitant concentration of the potential for violence had consequences which Elias and others 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 a realignment of the polity. Such periods are generally described 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 drive to absolutism, or the louisquatorzian phase (1640-75) venality of office 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 Terror, the society of notables and various forms of male suffrage were combined to cement the new order.

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 meant new standards of personal self-control, the development of legal-rational authority reflected the polity acquiring a new form of self-control; that is, it became the principal mechanism for ensuring 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 different regimes from emergent absolutism to the Terror were revived, only now wrapped tightly in the restraints of legal-rational authority. This combination then persisted down to the Third Republic without substantial changes other than the sheer growth in the potential for domestic state violence. But, as Alfred Cobban astutely remarked long ago, "Leviathan lives and moves before our eyes, all the more dangerous because in infancy he was called liberty."

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## Endnotes (not referenced within the text)

1. H.H. Gerth and C. Wright Mills, eds., *From Max Weber: Essays in Sociology* (London, 1991), p. 78.
2. *Why Violence? A Philosophical Interpretation*, translated by Giovanni Gullace (Gainesville, FL, 1985).
3. We have a problem here: if the use of force is sanctioned by law, applied in an efficient manner, 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 is in the eye of the beholder. As far as the historian is concerned what matters is to recognize that if a particular socio-political order used force within the three modes of measure, calling it violence is taking a moral position vis-à-vis that socio-political order. One presumes that historians should seek to avoid this just as anthropologists do. However, should they feel otherwise, they should be obliged to critique the injustices of the socio-political order itself, not 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 still leaves plenty of scope to criticize the ways in which force is deployed, whether the specific polity is deemed wicked or not.
4. This account comes mainly from Yves-Marie Bercé, *Histoire des croquants. Étude des soulèvements populaires au XVIIIe siècle dans le sud-ouest de la France* (Paris, 1974), pp. 403-54.
5. Robin Briggs found a way out of the Porchnev/Mousnier debate by emphasizing the precarious position of local elites when caught between popular revolt and royal authority and 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.
6. Porchnev, *Soulèvements*, 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, he paraphrases a letter from Richelieu to Louis XIII claiming that La Valette had killed 14,000 rebels at Eymet (which should read La Sauvetat, the next village over, and seems to have one zero too many). p. 80
7. 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).
8. For a thorough introduction to these issues, see Robert Muchembled, *Le Temps des supplices: De l'obéissance sous les rois absolus, XVIe-XVIIIe siècle* (Paris, 1992).
9. Pieter Spierenburg, *The Spectacle of Suffering. Executions and the Evolution of Repression: from a Preindustrial Metropolis to the European Experience* (Cambridge, 1984), 17-109 *passim*; Thomas W. Laqueur, "Crowds, Carnival and the State in English Executions, 1604-1868," in *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, (Oxford and Cambridge, 1990).
10. Madeleine Foisil, *La Révolte des Nu-Pieds et les révoltes normandes de 1639* (Paris, 1970), p. 285.
11. Boris Porchnev, *Les Soulèvements populaires en France de 1623 à 1648* (Paris, 1963), pp. 473-92.
12. Foisil, *Nu-Pieds*, p. 301.

13. 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.
14. 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.
15. Charles Tilly, *The Contentious French* (Cambridge, Mass., 1986), p. 146.
16. After 1200 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 Héliot, "La Guerre dite de Lustucru et les privilèges du Boulonnais," *Revue du Nord* 21 (1935): 265-318.
17. Gérard Sabatier, "De la révolte de Roure (1670) aux Masques armés (1783): la mutation du phénomène contestataire en Vivarais." *Mouvements populaires et conscience sociale*. Colloque de l'Université de Paris VII-C.N.R.S, Paris, 24-6 mai 1984. (Paris, 1985); William Beik, *Absolutism and Society in Seventeenth-Century France: State Power and Provincial Aristocracy in Languedoc* (Cambridge, 1985), p. 326-7.
18. 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: E.S.C.*, 29 (1975): 6-22.
19. Yves Garlan and Claude Nières, *Les Révoltes bretonnes de 1675: Papier Timbré et Bonnets Rouges* (Paris, 1975); James B. Collins, *Classes, Estates, and Order in Early Modern Brittany* (Cambridge, 1994), pp. 259-70.
20. 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, N.C., October 30-November 2, 1996.
21. Henri Bosc, *La Guerre des Cévennes, 1702-1710*, 6 vols. (Montpellier, 1985-1993), III: 245. Although the vigorous military repression continued under Marshal de Villars, as did the steady stream of rebels sentenced to death or the galleys, he also struggled to reduce the atrocities committed in the name of the King by having a few Catholic militia leaders tried and executed. Once most of the leaders of both the black and the white Camisards had been eliminated, Villars 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.
22. Émile G. Léonard, *L'Armée et ses problèmes au XVIIIe siècle* (Paris, 1958), pp. 55-80; Lillian Crété, *Les Camisards* (Paris, 1992).
23. Arlette Lebigre, *Les Grands Jours d'Auvergne: désordres et répression au XVIIe siècle* (Paris, 1976). The execution of powerful nobles and the razing of several chateaux, as well as an extensive clean up of violent crime, only added to the spectacular reckoning with the regional instruments of justice.
24. *Law, Magistracy, and Crime in Old Regime Paris, 1735-1789*, vol. 1, *The System of Criminal Justice* (Cambridge, 1994), pp. 55-278.
25. From *Le Droit Public* (Paris, 1697) and excerpted in William F. Church, ed., *The Impact of Absolutism in France: National Experience under Richelieu, Mazarin, and Louis XIV* (New York, 1969), p.79.
26. 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* (The Hague, 1976), i. 219).
27. Bouton, *Flour War*, 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" presented at the *Society for French Historical Studies Annual Conference*, March 1996.
28. John Batt, "Royal Authority, the Army and the Maintenance of Public Order in France at the End of the Ancien Régime" (Unpublished Ph.D. thesis, University of Reading, 1985), pp. 100-186.
29. *Ibid.*, pp. 173-4.
30. 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 (1715-1774), but an average of 2.5 such incidents in the years 1774-1787, 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): 114-19). The subject of increased fear due to social dislocation is now thoroughly investigated. In addition to Schwartz, *Policing the Poor* and Adams, *Bureaucrats and Beggars*, both cited above, see Olwen Hufton, *The Poor of Eighteenth-Century France, 1750-1789* (Oxford, 1974) and Colin Jones, *Charity and Bienfaisance: The Treatment of the Poor in the Montpellier Region, 1740-1815* (Cambridge, 1982).
31. "Violence, Emancipation, and Democracy: The Countryside and the French Revolution," *American Historical Review* (1995): 360-86.
32. The revolutionaries at Tulle paralyzed judicial repression of the peasant disturbances in the Corrèze in early 1790 by denouncing to the National Assembly efforts to have the local prévôtal 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 moi: Révoltes et Révolution en Bas-Limousin, 1789-1800* (Paris, 1987), p. 95.
33. "Revolutionary Violence, the People, and the Terror" in K.M. Baker, ed., *The French Revolution and the Creation of Modern Political Culture, vol. 4, The Terror* (Oxford, 1994), pp. 57-79.
34. Gordon Wright, *Between the Guillotine and Liberty: Two Centuries of the Crime Problem in France* (Oxford, 1983), p. 34.
35. Unless otherwise indicated, all of the following material on the years 1797-1802 is based on my own archival research. For detailed references, see Howard G. Brown, "From Organic Society to Security State: The War on Brigandage in France, 1797-1802" forthcoming in the *Journal of Modern History* (1997).
36. Charles Tilly, *The Contentious French* (Cambridge, Mass., 1986), p. 14; Vladimir S. Ljubinski, *La Guerre des farines*, (Paris, 1979), p. 143.
37. 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 *journees* of 1-4 Prairial III.

38. Jacques Godechot, *La Révolution française dans le midi toulousain* (Paris, 1986), pp. 279-302.

39. Each department had a single Provostial Court consisting of one senior army officer and five civilian judges. They heard a total of 2,280 cases, two thirds of which were for ordinary common law offenses. The other third consisted of 237 cases of seditious speech, writing, or displays of the tricolor and 481 cases of armed rebellion, seditious assembly, murder or attempted murder by armed groups. Thus only one in five cases pertained to serious threats to public order, and only 28 of these were clearly motivated (Daniel P. Resnick, *The White Terror and Political Reaction After Waterloo* (Cambridge, Mass., 1966), pp. 83-99. For a closer look at the activities of specific courts, see Henri Ramet, "Les Cours prévôtales dans le ressort de la Cour d'appel de Toulouse (1816-1818)" *Recueil de l'Académie de législation*, 8 (1929): 1-41; and André Paillet, "Les Cours prévôtales (1816-1818)" *Revue des deux mondes* 81 (1911): 123-49.

40. Jean Vidalenc, "Les Troubles de l'ouest au début de la Monarchie de Juillet" *88e Congrès des sociétés savantes. Section d'histoire moderne et contemporaine* (1963), pp. 331-66; Garrot, *Maintien de l'ordre*, pp. 426, 437-9.

41. Georges Carrot, *Le Maintien de l'ordre en France depuis la fin de l'ancien régime jusqu'à 1968* (Toulouse, 1984), II: 500-1.

42. This point is made most forcefully by Roger Price, *The French Second Republic: A Social History* (London, 1971), pp. 187-92.

43. 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 an unusual vision from above see Thomas R. Forstenzer, *French Provincial Police and the Fall of the Second Republic: Social Fear and Counterrevolution* (Princeton, 1981) and for two fine visions from below, see 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).

44. 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 Repression," in Roger Price, ed., *Revolution and Reaction: 1848 and the Second French Republic* (London, 1975): 303-333.

45. Forstenzer, *Provincial Police*, p. 226.

46. Robert Tombs, *The War Against Paris 1871* (Cambridge, 1981), p. 171.

47. In addition to Tombs, see Roger V. Gould, *Insurgent Identities: Class, Community, and Protest in Paris from 1848 to the Commune* (Chicago, 1995), pp. 161-5, 213-18.

48. Norbert Elias, "Violence and Civilization: the State Monopoly of Physical Violence and Its Infringement," in John Keane, ed., *Civil Society and the State. New European Perspectives* (London and New York, 1988).

49. *In Search of Humanity* (New York, 1960), p. 193.

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