A Disquieting Sense of Déjà Vu

By Howard G. Brown

Extremist violence threatened liberal democracy, posing grave challenge for a political class riven by systemic corruption and bitter partisanship. Leaders resorted to whatever tactics could help them retain power, regardless of the consequences to the political system. Citizens quickly grew disillusioned by democratic politics, and voter participation declined at each election. The government, fearing that mere policing could not preserve the republic from threats to its security, turned to the army. A prolonged regional insurgency, fueled by a heavy-handed military occupation, grew ever more vicious and bloody. Foreign elements eager to see the regime fail took the opportunity to foster an all-out civil war. At the same time, the government and the media turned the possibility of violence against ordinary people into a pervasive climate of fear. To counter the threat to individual and collective security, the government resorted to a range of exceptional measures that infringed civil liberties and violated the Constitution. In the process, the steadily expanding power of the state was used to consolidate major changes in the social and political order.

While that account may sound familiar today, those events actually occurred more than 200 years ago, during one of the most neglected periods in modern French history—the years of France's first constitutional republic, from 1795 to 1804. What people know about the French Revolution is generally limited to the years 1789 to 1794—the fall of the Bastille; "liberty, equality, fraternity"; a short-lived constitutional monarchy; the trial and execution of Louis XVI; foreign war against the monarchies of Europe; civil war in the Vendée; and, above all, the Terror of 1793-94, when thousands of supposed counter-revolutionaries were sent to the guillotine. Even better known is the figure of Napoleon Bonaparte, the military genius who came to power in 1799, steadily concentrated authority in his person, and emerged as emperor in 1804.

Because it falls between the thrill of revolutionary idealism and the glory of Napoleonic conquest, France's failed effort to establish liberal democracy in the late 1790s has been generally ignored, even by historians. Yet it is the decade between Robespierre's bloody reign of virtue and Napoleon's bloodier reign of military prowess that reveals the true difficulties inherent in trying to preserve the principles of liberal democracy and the rule of law in a republic threatened by extremism is able to act as the antiterrorist policeman of the new world order. Nonetheless, the disparities are not as great as they may at first appear. France was a vast, populous, and diverse country in the 18th century. Even sensational news took at least four days to spread from Paris to the Pyrenees. France also consisted of highly distinctive regions, whether considered economically, linguistically, or culturally. Once revolutionaries had abolished noble lordships, dispensed the Roman Catholic Church, and overthrown the monarchy, their attempt to impose the "one and indivisible republic" pro-

Actions undertaken without legislative or judicial oversight are the sort of measures that any democracy has reason to fear.

Detainees at Camp X-Ray at the U.S. Naval Base, Guantanamo Bay, Cuba, January 2002
The greatest compromises derived from the republic's handling of civil strife in western and southeastern France, a response akin to the United States' involvement in Afghanistan and Iraq today. Though mindful of both the excesses of the Terror and the need to establish its legitimacy as a constitutional regime, the Directory found it necessary to use the army to impose its authority. In the west, a peasant rebellion first ignited in the Vendée and, ruthlessly repressed in 1793-94, flared up again in the summer of 1795. The guerrilla insurgency spread so rapidly over the west that the government gave the region over to the army. Eight months of intensive operations, including hunting down the rebels, finally brought the region to heel. This was more subjugation than pacification, however, and sporadic violence continued to threaten local governance for years to come. A protracted "dirty war" of ambushes, kidnappings, reprisals, arbitrary detentions, and double-dealing divided the populace and discredited the regime.

In contrast to the west, the civil strife in southeastern France was largely urban. Rather than relying on the army alone, the Directory sought to overcome the region's intense factionalism and vendetta violence through an evenhanded application of the Constitution and due process. That largely failed. Local leaders and magnetized a crowd to persecute their political rivals, using urban militias and secret murder gangs to assist them. Army commanders and government commissioners came to rely on local strongmen for advice. By the summer of 1797, the region was almost entirely in the hands of men determined to subvert the government.

In addition to regional strife, France suffered from widespread banditry. Every day the government received a host of reports on this "dirty war". Detailed accounts of intercepted couriers, gang-style robberies, stagecoach holdups, and assaults on those who bought land expropriated from the Church or emigrants. The scoundrel of banditry fell heaviest on property holders, merchants, and local officials—the social basis of the republican regime—but almost anybody who lived in an isolated farmhouse or ventured beyond town walls was a potential victim. At least that was how the government and newspapers made it seem.

Republican officials had come to share a general "banditry psychosis." Such thinking turned many isolated crimes into behavior explicable only as organized banditry. Newspapers, which exploded in the early 1790s, helped to spread news about the wave of lawlessness. Frenchmen suddenly became aware of events in distant parts of the country as never before. The increased flow of information to agents of law enforcement, which was often interpreted as evidence of organized crime, as well as unprecedented circulation of news about various crimes committed around the country, helped to generate a pervasiveness of fear.

Matters became most alarming when republicans explained virtually all resistance to authority, including insurgency in the west, factional violence in the south, and brutal robberies perpetrated elsewhere, as "royalist conspiracy" and "counterrevolution." By tarring its opponents, including bands and even ordinary draft dodgers, as royalists and counterrevolutionaries no matter what their differences, the regime painted them all as manifest threats to the republic. The government also claimed that the plague of farmhouse break-ins and highway robberies was part of England's war against France. Although the English did lend sporadic support to the guerrillas in the west, as well as to various royalist conspirators, the regime's own aggressive policies clearly generated the vast bulk of violent opposition.

These various threats to the republic, fear of which was kept in the forefront of public consciousness, led to a number of repressive responses by the government. Many of these violated the principles on which the republic was ostensibly based. For example, the Directory gave local army commanders authority to declare numerous towns and cities under state of siege. This gave them even more police powers than proclaiming martial law. So effective was the state of siege that in 1797, lawmakers made it a permanent instrument of government, despite contradicting the Constitution in the process. By late 1799, more than 200 municipalities, including many important towns and cities, had been declared under a state of siege and subjected to military rule.

The late 1790s also witnessed a growing use of military justice to try civilians. Initially, only counterrevolutionary rebels captured in armed gatherings were deprived of proper jury trials. In September 1797, military commissions were authorized to judge and execute emigrants who had fled the revolution, but then returned. Emigrants were the "unlawful combatants" of their day, deprived of their civil rights more for what the government feared they would do than what they actually had done. A few months later, regular military courts were authorized to judge and execute civilians charged with aggravated robbery. When these two laws lapsed in 1800, the government reported to roving military commissions to judge accused rebels and bandits in the west and south. Recently discovered records show that regardless of important differences between them, each of these types of military justice produced hundreds of executions. Given its sheer frequency, the firing squad deserves a place alongside the guillotine as a symbol of the First Republic.

The regime employed other methods of protecting the republic while violating its Constitution. Republicans provoked a great deal of opposition through their handling of religion. Priests who refused to take an oath of loyalty to the republic were banished from the country. If they returned from exile or emerged from hiding, they were subject to death or deportation.

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