

H-France Review Vol. 4 (August 2004), No. 77

**Sophie Wahnich**, *La liberté ou la mort: essai sur la Terreur et le terrorisme*. Paris: La Fabrique Editions, 2003. 111 pp. Notes and acknowledgments. 13.00 € (pb). ISBN 2-913372-25-2.

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The Terror saved lives. The Terror curbed revolutionary violence. The Terror founded freedom, equality, and social justice. These arresting claims appear in Sophie Wahnich's recent essay *La liberté ou la mort: essai sur la Terreur et le terrorisme*. Given today's historiographical climate in which Tocquevillian pessimism has prevailed over Marxist idealism, such assertions seem specious. Nowadays the Terror is viewed, at best, as a tragic but contingent detour on the long road to republicanism and human rights; at worst, as inherent in revolutionary change and democratic aspirations.[1] Either way, it is seen negatively, and any notion that it may have advanced social democracy smells so much of Stalinist apologia, even diehard Marxists refrain from making the argument.[2]

Wahnich is an exception. She attempts to rehabilitate the Terror as a crucial phase in the transition to democracy. She does not, however, rehash the arguments of mid-century Marxian defenders of revolutionary violence, such as Sartre, Merleau-Ponty, or Fanon. Rather, she adopts an anthropological optic, arguing that the Terror was a political/institutional response to the threat of collective emotions spinning out of control, unleashing unbounded violence. Her foray into the sociology of emotions, like her foray into the archives, is limited, and her attempt to cram an ambitious thesis that combines anthropology, history, political theory, and philosophy into 100 short pages will undoubtedly dissatisfy experts in these respective fields. Still, the book deserves historians' attention for the novelty of its approach (a history of emotions in explaining the Terror) and historiographical boldness (the Terror seen as the contingent solution to civil war and constitutive of democratic values, not totalitarianism). Whether it will shake up today's complacent consensus on the purely negative nature of the Terror remains to be seen.

*La liberté ou la mort* engages most explicitly with political theory. Wahnich's target is Giorgio Agamben, an Italian political philosopher who over the past decade has argued for the totalitarian implications of modern democracy.[3] Although his insights may be unfamiliar to most historians, his conceptual building blocks are well known: Hannah Arendt, Michel Foucault, Carl Schmitt, and Walter Benjamin. In so far as these theorists have influenced revisionist scholars (one can point to Arendt's influence on François Furet and Mona Ozouf and Schmitt's on Patrice Gueniffey), Wahnich's essay can be read as an implicit refutation of certain revisionist scholarship. It can also be read as a pre-emptive strike against a post-Cold War model of totalitarianism that may shape historical perspectives on the Revolution in coming years. For these reasons, it is worth reviewing Agamben's model.

In his 1997 *Homo Sacer*, Agamben, like Arendt, stresses the importance of maintaining a boundary between "bare life" (what the Greeks called *zo*, the mere fact of existence) and citizenship (*bios*, or culture and humanity)--a boundary jeopardized, in Arendt's view, by popular sovereignty and human rights which politicize the social question, thereby unleashing human misery and all its rage into politics. In other words, empty bellies make bad sovereigns. Agamben's reliance on Foucault's concept of biopolitics is more pronounced. Applying it to sovereignty, Agamben sees sovereign power realizing itself by distinguishing itself from bare life. That is, in asserting itself, it produces both bare life and the *polis*. Agamben relates the production of bare life to the ancient juridical category *homo sacer*. According to Roman law, *homo sacer* was a man who could be killed without charges of murder incurring and without the death constituting a sacrifice. Translating *homo sacer* into modern biopolitics, Agamben identifies "the camp" as the quintessential manifestation of *homo-sacer* logic. It is where individuals, denied access to sovereignty, are made vulnerable to the whims of sovereign power. Sharing Foucault's and Arendt's suspicions about humanitarian politics, Agamben sees refugee camps for the distribution of humanitarian aid and prison camps where individuals are tortured and killed as springing from the same sociological dynamic--the sovereign's need to realize itself by producing bare life.

Common moral sense would, of course, distinguish between humanitarian aid and mass murder, but moral sense is precisely what goes “out of joint” in the state of exception. Elaborating on the debate between Schmitt and Benjamin about the state of exception and its relation to the rule of law, Agamben traces its origin back to the Roman *iustitium* and funerary festivals. Resembling medieval carnival and charivari, the *iustitium* and Roman funerary tradition allowed for the suspension and transgression of norms, rules, and hierarchies in times of crisis or power transition. This tradition, which involves the unleashing of anomie, finds its modern form, Agamben believes, in the state of exception. Schmitt (a Nazi apologist) did not worry about the potential excesses of the state of exception. For him, it was, after all, exceptional and, unlike anarchy, always referred back to a rule of law, even in violating it. But Agamben sides with Benjamin who warned that the state of exception has become increasingly the rule. Thus, instead of anomie being ritually, spatially, and temporally circumscribed as in the past, it unfolds today within the institutional framework of the rule of law. Under such conditions, the boundaries between norm and exception, law and boundless violence, break down, generating a *machine de mort*.<sup>[4]</sup>

Agamben’s model of totalitarianism is more elastic than ones developed during the Cold War. Whereas Arendt and Talmon contrasted the totalitarian (or proto-totalitarian) regimes of the French Revolution, Russian Revolution, and fascist Europe with American liberalism, Agamben lumps them all together. Wahnich challenges this. She aims to rescue not the current American war on terror, but the Terror of the French Revolution from the clutches of Agamben’s model. Her thesis is that, rather than marking the moment when norms and limits broke down, thereby unleashing anomie, the Terror reestablished the norms, founded new norms, and led the way out of boundless violence.

Wahnich’s point of departure is the collective state of fear and horror (*effroi*) of revolutionaries. She argues that when revolutionaries encountered forces and events that threatened to reverse the Revolution (e.g., counterrevolution, Marat’s assassination, and foreign invasion), they sought to overcome their *effroi* by transforming it into *colère*. The people, she holds, expected the National Assembly to acknowledge their anger by enacting vengeance whenever the sacredness of the Revolution--and therefore, the Revolution itself--came under attack. When the Assembly failed to do so, as was the case when the monarchy fell and the Prussians invaded in August 1792, the people implemented vengeance on their own with the September prison massacres. For Wahnich, these massacres figure as the anomic, sovereign exception, with all its “pure” unbounded violence. The Terror, she argues, aimed at preventing the September massacres from being repeated.

So far, Wahnich’s analysis resembles Agamben’s. It sees sovereign violence as inherently “exceptional,” that is, transcending norms and the rule of law. But whereas Agamben identifies totalitarianism at the point where the sovereign exception becomes conflated with the institutional structure of the rule of law, Wahnich, more sensitive to chronology, distinguishes two moments. In the first, popular sovereignty expresses itself in a state of exception as “pure violence”--in Walter Benjamin’s sense, violence uninflected by norms and therefore unbounded (the September massacres). In the second, “pure” violence is channelled symbolically and institutionally, becoming constitutive, founding, or lawmaking violence (the Terror). In this second moment, institutional structure, legal limits, and moral values are asserted. “Contrairement aux interprétations dominantes aujourd’hui, l’entreprise de la Terreur vise donc à instituer des bornes à l’exception souveraine, à mettre un frein à la violence légitime du peuple et à donner une forme publique et instituée à la vengeance” (p. 63). The Law of Suspects of September 1793, Wahnich argues, saved many who would otherwise have been summarily dispatched by vengeance-seeking crowds. (The argument is counter-factual, but anyone familiar with the intense popular pressure to punish in 1792 and 1793 will entertain it.) As “suspects,” most arraigned individuals languished safely in prison, at least until the High Terror of June and July 1794.

How did the Terror slide from preventing to implementing excessive violence? This is where Wahnich’s thesis is less convincing. She argues that the Law of 22 Prairial Year II (2 June 1794), which opened the way to seven weeks of heightened executions, introduced a new political logic. Although leaders had thus far succeeded in channeling popular vengeance into judicial institutions, they failed to overcome cyclical, factional vengeance. In an effort to do so, they implemented two sets of policies. First, they set out to create civil society (read “civilized” society), forcing civic moral values into social *moeurs*, or customs, habits, and attitudes. Second, since society was now supposed to be “civil” and committed to the Revolution, opponents (invariably labeled “counterrevolutionaries”) were deemed utterly irreconcilable with the new regime. The *droit des gens* (i.e. sovereign vengeance) gave way to the *droit de guerre* which recognized only friends and irremediable foes and which “ne connait que la peine de mort” (p. 66).

For a historian seeking to highlight the role of emotions, this sudden recourse to abstract legal constructs (*droit des gens, droit de guerre*) to explain how the Terror went into overdrive will strike readers as inconsistent, not to mention mechanical and speculative. Also speculative is Wahnich's claim that the Terror founded freedom, equality, and justice. She argues that, confronted with the threat of popular insurrection, leaders sought to transform "pure violence" into constitutive violence or founding violence by inflecting it with sacred and just values. This change, she posits, explains the intensity of leaders' moralizing discourse that accompanied institutionalized vengeance. But were the values that were articulated in this discourse ultimately secured? Such a claim reduces how power worked to how it justified itself--an elision already foreshadowed in her introduction when she announces one of the central questions of her essay, "qu'est-ce que la Terreur a fondé ou voulu fonder?" (p. 26). "Founding" and "wanting to found" are not the same thing. To argue, as Wahnich does, that the Terror did more than just arrest and execute thousands of individuals--and today's general aversion for violence should not preclude such a hypothesis--requires more than taking revolutionary leaders at their word. Unfortunately, their word, predominantly in the speeches of Robespierre and Saint-Just, is the only source she consults.

Wahnich's tendency to conflate revolutionary rhetoric with fact is even more pronounced in her unproblematic use of "counterrevolutionaries" and "the people." Throughout the essay, *effroi* is always the "people's," and "counterrevolutionaries" are always provoking it. Whatever one might think of Furet's interpretation, he at least tried to explain why more and more individuals were branded "counterrevolutionary" as the Revolution progressed. Post-revisionists remind us that counterrevolutionaries did indeed exist, but the fact remains that the charge of being one was often made spuriously in the context of faction fighting, as the Girondins, Hébertists, and Dantonists discovered.[5] But Wahnich does not identify the factors that produced cycles of *effroi-colère-vengeance* in cases where the initial *effroi* was not produced through confrontation with outright counterrevolution. That anyone but Marat-loving radicals may have experienced *effroi* does not figure in her analysis.

Wahnich challenges the revisionist view inspired by Arendt that sees revolutionaries as led astray by a quixotic desire to correct material misfortune and inequality. Sensitive to the emotional dimension of politics, she keenly argues that, far from seeking to eliminate material inequality per se, revolutionaries sought to eliminate the shame attached to poverty and elites' indifference to it. She adds that revolutionaries did not intend to install the masses in executive levels of government, but rather to establish the right of the unfortunate and aggrieved to be heard. She argues that Saint-Just's famous quote should be understood in this sense: "les malheureux sont les puissance de la terre, ils ont le droit de parler en maîtres aux gouvernements qui les négligent" (p. 79).

As her subtitle announces, Wahnich addresses the question of terrorism. She shows how after Thermidor "terror" became "terrorism," with all the negative connotations we now associate with the term. It was as if revolutionaries sought to extricate themselves from their own complicity in the collective violence that led to the Terror by pinning blame on a particular group of people, namely, Robespierre and radical Jacobins. Terror thus became the "other" of democracy. "Thermidor opère ainsi un premier déplacement vers une Révolution incompréhensible et désastreuse en niant le sens du faire mourir souverain et en faisant de la mort pendant la période révolutionnaire une mort dénuée de sens" (p. 89). Wahnich might have linked this ideological repudiation of revolutionary violence to the policies that sought to create civil, and hence "civilized," society during the Terror.

In her conclusion, Wahnich applies her conceptual framework to interpret today's Islamic terror and the U.S. war on it. She sees the September 11th attacks and sympathy for them (in Nigeria, Palestine, and parts of France with high Muslim concentrations) as a response to the West's closed ears. "Si la Révolution française peut aider à analyser ces événements, peut-être est-ce dans le lien entre la parole publique des incompétes, le 'ne rien entendre' de cette parole par ceux qui font la politique et certains événements de cruauté" (p. 98). Today's Western rejection of non-state political violence, she believes, makes matters worse. "Lorsqu'il n'est plus possible de faire reconnaître une insurrection comme telle, la violence ne peut plus être retenue et le carnage n'est plus unanimement réprouvé." Just as Saint-Just insisted that the grievances of the *malheureux* should be heard, so, too, according to Wahnich, should the grievances of those who are excluded today from global decision making but who are the victims of cruel power. Otherwise, repressed voices resort to violence.

In turning from terrorism to the United States' war on it, Wahnich adopts Agamben's model via Benjamin (one of Agamben's inspirations as well). She sees American international police repression functioning in a state of exception, setting rules contingently while using the institutional framework of the rule of law. "C'est ce qui se

passee à Guantanamo” (p. 102). Her description of the American military reducing Afghans to bare life, using whips to separate the receivers of humanitarian aid, fits Agamben’s model perfectly. Had her essay been published a year later, she could have cited the even more illustrative and disturbing example of Abou Ghraib, where legal and moral norms were entirely suspended.

Although parts of Wahnich’s analysis are useful for historians--namely, her emphasis on the role of emotions in producing violence and her attention to how terror became terrorism and the implications of this repudiation of all non-state violence--her comparative analysis of the Terror and Bush’s war on terrorism is, at root, philosophical, not historical. She relies heavily on the categories of state violence that Benjamin identified in his “Critique of Violence,” namely, “lawmaking” and “law-preserving” violence. According to Benjamin, police violence is a perverted combination of the two; for in addition to preserving law, the police seek to appropriate lawmaking power by implementing ad hoc measures that pretend to have the legitimacy of legal authority. (Agamben’s totalitarian police state resembles Benjamin’s police violence.) Imposing these categories onto historical events, Wahnich sees the Terror as lawmaking violence and the U.S. war on terror as perverted police violence.

One might think that Wahnich has left us with as grim a prognosis of current world politics as Agamben. Unlike Agamben, however, Wahnich seems to share Benjamin’s hope in revolution. According to Benjamin, the dialectical tension between lawmaking and law-preserving violence--and its perverted fusion in police violence--will be overcome one day by the return of pure, revolutionary, sovereign violence that will clean the slate and create “Ur” conditions for the remaking of human relations.

But as Benjamin recognized, a critique of violence entails a “philosophy of history,” not history.[6] To argue, as Wahnich does, that revolutionary violence founded liberty, equality, and justice and that the current U.S. war on terror destroys them, involves applying as criteria of judgment the very values whose history is under investigation. Critical assessments can only be phenomenological and ethical, not historical, in nature. And while historical analysis should inspire ethical reflection, ethical positions should not determine the conclusions of historical analysis.

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## NOTES

[1] For the former view, see Lynn Hunt, “The World We Have Gained,” *American Historical Review* 108:1 (2003):1-19; also, Woloch, *The New Regime: Transformations of the French Civic Order, 1780-1820s* (New York: W.W. Norton and Co., 1994). For the latter view, see the work of François Furet and Patrice Gueniffey. While Furet is critical of popular sovereignty and revolutionary utopianism, Gueniffey stresses the dangers of the state of exception inherent in revolutionary change: Furet, “Terror,” *Dictionnaire critique de la Révolution française* (Paris: Flammarion, 1989), pp. 156-169; Gueniffey, *La Politique de la terreur: essai sur la violence révolutionnaire, 1789-1794* (Paris: Fayard, 2000).

[2] In his recent comparison of the French and Russian Revolutions, Arno Mayer focuses on how counterrevolution provoked terror, not on the creative aspects of revolutionary violence itself: *The Furies: Violence and Terror in the French and Russian Revolutions* (Princeton: Princeton University Press, 2000).

[3] See especially *Homo sacer: le pouvoir souverain et la vie nue* (Paris: Seuil, 1997); *Moyens sans fins: Notes sur la politique* (Paris: Rivages, 2002); and *Etat d’exception*, Joël Gayraud, trans. (Paris: Seuil, 2003). Although *Etat d’exception* appeared after the publication of Wahnich’s essay, it elaborates on views already announced in *Homo sacer*.

[4] Agamben, *Etat d’exception*, p. 145.

[5] For recent studies stressing counterrevolution, see Mayer, *The Furies*, and Darrin McMahon, *Enemies of the Enlightenment: The French Counter-Enlightenment and the Making of Modernity* (New York and Oxford: Oxford University Press, 2001).

[6] Benjamin, "Critique of Violence," p. 299.

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*H-France Review* Vol. 4 (August 2004), No. 77

ISSN 1553-9172