

---

*H-France Forum*, Volume 5, Issue 3 (Summer 2010), No. 5

D. M. G. Sutherland, *Murder in Aubagne: Lynching, Law, and Justice during the French Revolution*. Cambridge and New York: Cambridge University Press, 2009. xvii + 316 pp. Figures, notes, appendix, and index. \$95.00 U.S. (cl). ISBN 978-0-521-88304-7.

Response Essay by D. M. G. Sutherland, University of Maryland, College Park.

Sometimes the format of H-France Forum is not completely suited to the vigorous give-and-take that a conference panel can provide. This is the case here, where several authors make remarks about *Murder in Aubagne* that could be dealt with easily. For instance, what is wrong with the commonly used phrase “popular justice?” What have I missed in not addressing Robert Allen on criminal tribunals or Jean-Clément Martin’s or Patrice Gueniffey’s theories about revolutionary violence? Why does Paul Hanson think that patron-client relations even existed in Aubagne since the elite was not well off, and therefore had few loaves and fishes to distribute.

All four reviewers present clear summaries and generous evaluations of the book. An oral format could clarify quickly certain misunderstandings, such as Paul Hanson’s that Aubagne was a town of subsistence agriculture (it was not). I agree that ideology was involved in the language of extermination of enemies; certainly, I agree that the Terror wore a different mask in different parts of the country; it is possible the September Massacres in Paris had a role in the local counterparts in the Midi, but I do not think this is a strong relationship. The massacres at Aix-en-Provence, Marseille, and Toulon occurred before those in Aubagne and so were more immediate. The fact that similar killings dating back to 1790 had never been punished may have encouraged the lynchings in Aubagne but there is no evidence for this. Indeed, the inspiration for prison massacres in Paris may have been partly the other way around, in that the Marseillais (including a half-dozen *Aubaniens*) brought the practices of violent democracy to the capital. They were involved in the massacres in Paris and of the prisoners of Orléans in Versailles in September 1792.[1]

As for Edward Woell’s thorough and fair-minded review, I indeed did not investigate the religious dimension of Aubagne’s history. That avenue just did not appear that promising. The disturbances in the town rarely involved the clergy and never directly. Perhaps I should have gone further since it did matter in Arles both because of its massive ecclesiastical establishment and because it was a refuge for Catholics fleeing the troubles in Nîmes. I wish I could have done more on the impact of dechristianization in the Year II but only a handful of sources turned up.

I agree that the term “violent democracy” has practically no relationship to liberal constitutionalism as we understand it. Yet, the French do things differently. A strand of thought exists that authorizes actions that might be considered seditious in Anglo-American political traditions. Among other things, the French Constitutions of 1791, 1793, and 1848 recognized the right of insurrection. Indeed, since the Declaration of the Rights of Man was specifically subsumed into the Constitutions of the Fourth and Fifth Republics, the “right of resistance to oppression” continues to be a legal right to this day. Moreover, I do not mean to suggest that Aubagne witnessed a “terreur douce” because so many great guilty ones escaped punishment for participating in the Federalist revolt. Both the number of executions

and the number of suspects in Aubagne exceeded the ratios in the Department of the Bouches-du-Rhône as a whole.

While the oral format offers quick clarification, a written format is preferable for bigger questions. Some reviewers wish the book had said more about the protagonists' ideas. As I will argue farther on, it says more about ideas than they think. Creating, let us say, a section on political culture separate from the narrative might have demonstrated this and allowed a freer linkage with existing literature on radical politics. But it would have produced a lot of repetition too between the political culture and the narrative sections.

Ideas did not drive politics in this region in the sense that protagonists were following the philosophy of a single individual or an agreed upon program. The origins of local political culture and the archival and printed sources where they were expressed are much more diverse and scattered. As Soboul did with his study of the ideas of the *sans-culottes*, we must take ideological statements as and where we find them. Since contemporaries were talking to each other and not to us, their statements can be allusive or expressed in a kind of shorthand that we have to decipher or clarify. Moreover, Jacobins and anti-Jacobins were men of action so their programmatic statements were usually products of immediate circumstance, designed on the fly to persuade, explain, or warn in a particular situation. In their nature, they are not particularly elaborate. [2]

Nonetheless, ideas that I call "popular justice" or "direct democracy" make sense when we aggregate them. The explanations that contemporaries give for popular behavior are consistent, the men who uttered the remarks were dispersed over a wide area, and they proclaimed them at various points in time. This suggests they were drawing from a common fund of ideas and attitudes. A deeply unpopular fiscal system that was common to the towns of the region created similar grievances for consumers and taxpayers and therefore a common political culture. As the book tries to make clear, public or patriot opinion believed that equitable taxes and more representative municipal structures together would improve the lot of ordinary people. Moreover, a utopianism that appeared very early made these demands much more than a simple demand for institutional and fiscal reform. The instability of institutions and the sense that the opportunity existed to institute a society of true justice, stripped of millennial oppressors, made the emotional stakes very high. On top of this, the extreme left in the country as a whole and local militants shared a common vocabulary and set of concepts. [3]

Moreover, what contemporaries said about popular sovereignty and violence, on the one hand, and the violent acts that people actually carried out, on the other, are two distinct problems. On the whole, my interpretation of popular sovereignty derives from contemporary declarations or explanations, but these usually have nothing to say about the ceremonial of lynching. Jean-Clément Martin interprets this kind of popular violence as an example of extreme brutality. [4] Fair enough, but there is more to say. The crowd also articulated its rage in gestures as well as in words or ideas. These actions too are a form of communication and so need to be interpreted. Mutilating bodies, hiding them or displaying them, disposing of them in defiled territory like garbage pits, tossing them in the Rhone, hanging corpses more than once in different places, cruelty, enforced nudity, sexual molestation, the ceremonial of a lynching with its innovations as well as some elements borrowed from official justice—all these require the assistance of anthropological theory. The protagonists' spoken or written ideas are only part of the story.

Anthony Crubaugh says that I underestimate the gap between the Jacobin leadership's disapproval of lynching in principle and their followers' willingness to indulge in it. I disagree. A careful reading of both the local and national evidence shows how often the revolutionary left felt it had to justify or at least turn a blind eye to popular violence. [5] The future deputies Blanc-Gilli and Barbaroux, for example, excused lynching in Marseille in 1790; the editors of the Club newspaper, the *Journal des départements méridionaux*, celebrated the vigilante bloodbaths in Toulon in 1792. National leaders even

commended the illegal acts by the Marseillais in the tumultuous spring of 1792.[6] Other leaders excused vigilantism in other towns and regions. The victims deserved their fate (the Barnave excuse), they said; prosecuting murderers from the Jacobin left would empower political enemies (the Vergniaud excuse); regrettable but understandable excesses (the other Vergniaud excuse); and so on.[7] Judgments about the value of formal judicial procedures, therefore, were subordinate to the ideology of popular sovereignty or to political considerations.

The tension between popular justice and due process was always there, of course, as the subtitle of the book suggests. Much depended on circumstance. The crowds in the towns and cities of the Midi attacked to get revenge, when they feared a verdict would not go their way, when they were taunted, when they wanted to penalize infuriating but legal acts (offensive speech would be an example), and so on. Authority never punished acts like these once they had occurred, but they tried to forestall future ones. One example was the Popular Tribunal of Marseille that was supposed to receive denunciations and displace popular anger. Its failure played a major role in generating the Federalist Revolt.

The relation of popular action to the repression of the Terror is complex. The representatives on mission or in the National Convention never established any of the four revolutionary tribunals (or seven if we count the Thermidorian tribunals with identical powers) to satisfy demands from below. Instead, the representatives and the political class generally abandoned the cumbersome procedures of regular courts and embraced a full-bore repression in part because they wanted to punish Federalism and to prevent its recurrence. Without inexorable, rapid, and dramatic justice, authority would never be secure and the political culture of the retrograde masses would never be transformed.[8] These were political aims, even if the form was judicial, and the means violent. Nonetheless, the goals of the representatives and the militants also overlapped. Thus, the clubs wholeheartedly endorsed the work of the terrorist representative on mission, Etienne Maignet, and enthusiastically urged authorities to re-establish the revolutionary tribunals in the summer of 1794. Yet the overlap and the unresolved strain showed up in other places. The assertion of democratic sovereignty over justice and the simultaneous misgivings over direct action were evident in Collot d'Herbois's and Fouché's establishment of the dreaded *Commission des Sept* in Lyon:

Considérant que l'exercice de la justice n'a besoin d'autre forme que de l'expression de volonté du peuple; que cette volonté énergiquement manifestée doit être la conscience des juges;

Considérant que presque tous ceux qui remplissent les prisons de cette commune ont conspiré l'anéantissement de la République, médité le massacre des patriotes, et que, par conséquent, ils sont hors de la loi, que leur arrêt de mort est prononcé . . .

Considérant qu'à l'apparence d'un nouveau complot, qu'à la vue d'une seule goutte de sang d'un patriote, le peuple irrité d'une justice trop tardive, pourrait en diriger lui-même les effets, lancer aveuglément les foudres de sa colère, et laisser, par une méprise funeste, d'éternels regrets aux amis de la liberté . . .  
.[9]

In other words, the tension was not between Jacobin leaders and militants so much as a tension in the minds of radical Jacobins. One cannot easily assert that popular justice need have no other form than the will of the people, and then assert that a revolutionary tribunal can better avoid precipitous mistakes that legitimate anger and frustration can produce.

I am very pleased, of course, that all four authors accept my arguments about the origins and importance of factionalism. I would like to address two of the reviewers' remarks on aspects of this

problem, though. Alan Forrest suggests that these factions had been at each others' throats for generations while Anthony Crubaugh thinks that factionalism alone is sufficient to explain the bloodshed once external authority had collapsed. The "défaut d'état" occurred for many reasons in 1789 and after, but an excited, higher order factionalism is surely one of those reasons. That is, factionalism was not always the same. It seems clear that the future factions were already in place in the Old Regime but the rivalry consisted merely of singing contests that competing penitent societies sponsored. Once the "défaut d'état" began to occur, however, in the spring of 1789, one group raised the stakes by challenging the socially, politically, and fiscally privileged position of the other. That is, the future patriots physically threatened the local elite and refused to recognize as legitimate any but royal authority. Their leader was Dominique Pichou, a *vigneron*, who later marched to Paris as part of the "bataillon du 10 août" to overthrow the monarchy in 1792, a fascinating trajectory for a "primitive rebel" in 1789. In other words, the future patriots exploited an opportunity in the spring of 1789 and they did so in remarkably democratic terms, not only in Aubagne but in Marseille too.

As Edward Woell recognizes, these democratic aspirations were expressed in a language that is quite foreign to modern sensibilities. Anthony Crubaugh believes there is "scant" evidence for the annihilationist language of extreme Jacobinism. Paul Hanson thinks Jacobins and militants exaggerated, that they did not really intend to exterminate all their enemies. Perhaps not, since ultimate intentions are hard to gauge. But on the level of rhetoric, eliminationist bombast was commonplace in areas of maximalist terror, during repression in the Vendée, in Lyon, and in Bordeaux, as well as in Provence.[10]

All this talk and action, of course, was the means to an end, the Jacobin utopia, the serene community. Although one would always like to know more about these goals, from all appearances, the tranquil community was a simple construct, one where strife had disappeared, where the Jacobins had eliminated the enemy or the bourgeoisie. It also linked to the annihilationist project. Thus, the Marseille Club extended the link between annihilation and happiness to the entire world:

Que notre Révolution, sans exemple dans l'histoire, apprenne à tous les peuples que les Français ne sont devenus libres que par la mort de leur dernier tyran, par le supplice de tous ses satellites, et par rétablissement d'une République fondée sur l'égalité, les mœurs et la vertu. Qu'ils sachent, tous les peuples qui couvrent la surface de la terre, qu'ils ne peuvent être heureux tant qu'il existera des tyrans![11]

Or take this, from the representative Garnier de Saintes, who was active around Le Mans and Bordeaux (demonstrating that such linkages were not the monopoly of Mediterranean hotheads):

Les grandes mesures que nous prenons ressemblent à des coups de vent qui font tomber les fruits véreux, et laissent à l'arbre les bons fruits; après cela vous pourrez cueillir ceux qui resteront; ils seront mûrs et pleins de saveur, ils porteront la vie dans la République. Que m'importe que les branches soient nombreuses, si elles sont cariées? Il vaut mieux qu'il en reste un plus petit nombre, pourvu qu'elles soient vertes et vigoureuses.[12]

\* \* \*

*Murder in Aubagne* started as a micro-history and while it grew into a regional monograph, the format has helped think through some issues that are important for the study of the French Revolution. Here is a partial list:

- Explaining revolutionary extremism through a top-down, Paris-out model of ideological diffusion does not work for the Midi. Very old aspirations that predated the Revolution by centuries emerged under local struggles and institutions that incubated a new, democratic

language.

- Taxes and urban fiscality generally, rather than a *crise des subsistances*, mobilized people in 1789 and kept them mobilized for several years after.
- The White Terror was not simple revenge for the Great Terror, the tensions behind it predated the Terror, killers in the murder gangs had been active in town politics before, and so too had the men who supported them. The future killers even had connections with each other through friendships, god-parenting, and the penitent society that predated the Revolution. The same was true of the Jacobins.
- While the political splits in local society reflected wealth and occupational divisions, albeit imperfectly, residential and associational factors also counted in determining political loyalties.
- The Terror operated through the medium of local politics, preexisting commitments, and factions. Federalism was not a rebellion based on class so much as against Jacobin recklessness. Opposition to the Jacobins was not necessarily counterrevolutionary or royalist.

\* \* \*

There are still bigger issues for the study of the Revolution. While I do not at all claim that my interpretation of the various types of violence is paradigmatic of the country as a whole, I am questioning some received wisdom. As Paul Hanson points out, one of these is the thesis of circumstance exemplified in the rationale for the Terror in Donald Greer's *Incidence of the Terror*. This is the argument that repression in the Year II was legitimate self defense that any government under attack has a right to implement. Yet the operation of revolutionary courts and the expectations vested in them were much more expansive and complicated than this minimalist formula would suggest. I would hope the book encourages someone to have another look at the revolutionary courts, a subject that, with a few exceptions, has been neglected for over a century.[13]

Finally, the book opens the question of the nature of anti-Jacobin opposition. This was not an opposition that endorsed the counterrevolutionary Declaration of Verona of "Louis XVIII," or that manifested itself as the chouan crouching behind the hedgerow in the cold, rain-soaked *bocage* of Brittany. Unlike such diehards, future opponents of the Jacobins in Aubagne and elsewhere accepted the Revolution of 1789; later, Federalists claimed the Revolution of 10 August 1792 and the Republic as their own; and each side frequently rewrote the history of revolutionary events to enhance their role and demonize that of their enemies. These things mean the concept of Revolution was clearly fluid, its meaning persistently contested.[14]

Among the many things that define the French Revolution, one of them was a debate over significance and power, a debate that all too often ended in execution and murder.

## NOTES

[1] Georges Reynaud, *Les Marseillais de la Marseillaise. Dictionnaire biographique du bataillon du 10 août* (Paris: Christian, 2001), pp. 44-50.

[2] Albert Soboul, *Les Sans-culottes parisiens en l'an II. Mouvement populaire et gouvernement révolutionnaire, 2 Juin 1793-9 Thermidor An II* (Paris: Librairie Clavreuil, 1962), p. 457. See also Richard Cobb, "Quelques aspects de la mentalité révolutionnaire (avril 1793-thermidor an II)," *Revue d'histoire moderne et contemporaine*, 6 (1959): 81-120.

[3] See *Murder in Aubagne*, p. 181 for an example of Parisian Cordelier activity in the region. François Isoard, the Marseille club's firebrand, also spent the summer of 1793 in Paris in forced exile during the Federalist rebellion where he undoubtedly discussed issues of interest not only with the Cordeliers but with the various provincial delegations in town to celebrate the first anniversary of 10 August. See Jacques Guilhaumou, *Marseille républicaine (1791-1793)* (Paris: Presses de la Fondation nationale des sciences politiques, 1992).

[4] Jean-Clément Martin, *Violence et Révolution: Essai sur la naissance d'un mythe national* (Paris: Éditions du Seuil, 2006), p. 140.

[5] Anthony Crubaugh claims Stephen Clay's portrayal is more nuanced, but is not very precise about where to locate Clay's evidence. The relevant passage is probably here where Clay speaks of a "condamnation générale de la violence" in "Les réactions du Midi. Conflits, continuités et violences" *Annales historiques de la Révolution française*, 345 (2006): p. 22. Or maybe it is here, in Clay's "Vengeance, justice and the reactions in the Revolutionary Midi," *French History*, 23(1) (2009): p. 28. Yet this general condemnation never included prosecution for murder. I puzzled for a long time in the papers of the Criminal Tribunal why there were no lynching trials until the Year III. Then the evidence of equivocation began to emerge and with it, the realization that given their sympathy for the idea of popular judicial sovereignty, Jacobins could not imagine such prosecutions.

[6] Jacques Guilhaumou, *L'avènement des porte-parole de la République (1789-1792). Essai de synthèse sur les langages de la Révolution française* (Villeneuve-d'Ascq: Presses universitaires du Septentrion, 1998), pp. 196-7 for the remarks of Carra and Robespierre commending violations of formal legality.

[7] *Archives parlementaires*, vol. 40, p. 152 speaking on the issue of amnesty for the murders at La Glacière in Avignon in October 1791. Speaking about the September Massacres: Pierre Caron, *Les massacres de septembre* (Paris: Maison du livre français, 1935), p. 171 n.1. See also René Moulinas, *Les massacres de la Glacière. Enquête sur un crime impuni, Avignon 16-17 octobre 1791* (Aix-en-Provence: Edisud, 2003), p. 75. Finally, the letter of Barbaroux, Rebecquy and Baille (all future members of the Convention) to the Municipality of Marseille of 11 August 1792, referring to that morning's "expéditions populaires" where Swiss prisoners "ont été sacrifiés à la juste vengeance qu'ils avaient excitée. . ." quoted in Reynaud, *Les Marseillais de la Marseillaise*, p. 304.

[8] Many more details on functioning in Howard G. Brown, *Ending the French Revolution: Violence, Justice, and Repression from the Terror to Napoleon* (Charlottesville: University of Virginia Press, 2006).

[9] Cited in A. Salomon De La Chapelle, *Histoire des tribunaux révolutionnaires de Lyon & de Feurs, établis en 1793 par les représentants du peuple, et liste des contre-révolutionnaires mis à mort*. Vol. 1. (Lyon: n.p., 1879), p. 134. As for Paris, "Sous la monarchie, la justice était un des attributs essentiels de la souveraineté; sous le régime démocratique, il devient la prérogative du peuple. Et non seulement, en vertu de ce droit, le peuple nomme les juges, mais il peut, s'il le veut, les suspendre, et rendre lui-même la justice." (Pierre Caron, *Les massacres de septembre*, p.436)

[10] Henri Wallon, *Les Représentants du peuple en mission et la justice révolutionnaire dans les départements en l'an II (1793-1794)* vol. I, *La Vendée* (Paris: Hachette, 1889), pp. 141, 171, 221, 248, 429, 479. For Bordeaux: from a petition on the aristocracy to the representative Garnier de Saintes: ". . . mais ce n'est pas assez de l'effrayer, de lui couper quelques membres, il faut à jamais l'anéantir," cited in *ibid*, vol. II, p. 281. For Lyon: Maurice Wahl, "Joseph Chalier. Étude sur la Révolution française à Lyon," *Revue historique*, 34 (1887): pp. 21-2. In early October 1793, as Lyon's defenses were crumbling, the Committee of Public Safety gave the order "de faire sonner le tocsin dans les campagnes afin que le peuple éveillé puisse exterminer tous les fuyards," Barère, cited in Louis Mortimer-Ternaux, *Histoire de la Terreur, 1792-1794, d'après des documents authentiques et inédits* vol. 8 (Paris: n.p., 1863), p. 238. Many examples in

Michel Biard, *Collot d'Herbois: Légendes noires et Révolution* (Lyon: Presses Universitaires de Lyon, 1995), pp. 141-2. Provence: *Murder in Aubagne*, pp. 52, 84, 107-8, 111, 132, 133-4, 174, 184, 185, 187, 217, 221, 224. This list does not include similar language from the Thermidorians. Some examples for Paris in the Thermidorian period in Soboul, *Les Sans-culottes parisiens en l'an II*, pp. 576-80.

[11] See also “La Société populaire régénérée du [sic] Marseille au peuple parisien, le 18 thermidor, l’an II de la République une et indivisible [to Paris Jacobins],” in F.-A. Aulard, editor, *La société des Jacobins recueil de documents pour l'histoire du club des Jacobins de Paris*, Vol. 6. (Paris: Librairie Jouaust, 1889), p. 351. Other examples linking violence and subsequent serenity in *Murder in Aubagne*, pp. 69, 78, 85, 101, 120, 198, 221, 224.

[12] Cited in Philippe Buchez and Pierre Roux-Lavergne, eds. *Histoire parlementaire de la Révolution française, ou journal des assemblées nationales depuis 1789 jusqu'en 1815* vol. 3 (Paris, Paulin: 1837), p. 204. Amazingly, Trotsky cited this text in his *Our Political Tasks* (London: New Park Publications, 1980), first published in 1904. Georges Lefebvre characterized this dialectic: “La volonté perverse de la classe dominante une fois brisée, ce sera l'avènement immédiate du bonheur universel. La représentation optimiste, que la classe révolutionnaire se forme d'elle-même exclut toute difficulté: il suffit que la classe dominante disparaisse” in his “Foules révolutionnaires,” in *Etudes sur la Révolution française* (Paris: Presses Universitaires de France, 1963), p. 387.

[13] That exception includes, of course, William Scott, *Terror and Repression in Revolutionary Marseilles* (New York,: Barnes & Noble Books, 1973).

[14] The anti-Jacobin Chiffoniste faction in Arles also endorsed the Revolution of 1789. See Fabio Sampoli, “Politics and Society in Revolutionary Arles: Chiffonistes and Monnaidiers,” Ph.D. dissertation, Yale University, 1982, p.198.

D.M.G. Sutherland,  
University of Maryland, College Park,  
dsutherl@umd.edu

Copyright © 2010 by H-France, all rights reserved. H-France permits the electronic distribution of individual reviews for nonprofit educational purposes, provided that full and accurate credit is given to the author, the date of publication, and the location of the review on the H-France website. H-France reserves the right to withdraw the license for redistribution/republication of individual reviews at any time and for any specific case. Neither bulk redistribution/republication in electronic form of more than five percent of the contents of *H-France Forum* nor re-publication of any amount in print form will be permitted without permission. For any other proposed uses, contact the Editor-in-Chief of H-France.

ISSN 1553-9172

*H-France Forum*, Volume 5, Issue 3 (Summer 2010), No. 5