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Debates over sovereignty during the French revolution : Sieyès versus Robespierre

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The French Revolution is a seemingly bottomless well of topics of study for all branches of the social sciences. Its causes, consequences and the behaviour of its actors are still the subjects of debates and controversies, especially in France where its divisive power remains strong to this day.

The events of 1789 had a deep impact on modern Europe, because of the continental war they led to, but mostly because of the political, social and ideological transformation they brought about.

Politically, the revolution ushered in a new vocabulary and radically redefined the concepts of the *Ancien Régime*. If the French revolution shares much of the vocabulary first used by the American Founders in their emancipation from the British Empire¹, the French “Revolutionary break” in the words of François Furet² brought popular sovereignty to the heart of Europe.

The keystone of the political changes, both domestically and internationally, was this “new template of political legitimacy”³. Sovereignty had been central to the philosophical debates on legitimacy and authority since it had been theorized by Jean Bodin and Thomas Hobbes in the 16th and 17th century. Originally, sovereignty was elaborated as the attribute of absolute monarchy in order to ensure stability and keep the anarchy of the French wars of religion and of the civil war in England at bay.

In his *Six Books on the Commonwealth*⁴, Bodin is the first to spell out the necessary features of sovereignty, in order fulfil its mission of order and stability it must be an absolute, unlimited and permanent power. Although Bodin doesn't expressly consider that sovereignty must be in the hands of

¹ On the flow of ideas from Europe to the Americas and back, see Bernard Bailyn, *Atlantic History – Concept and Contours*, Cambridge, Mass., Harvard University Press, 2005, 149 pages.

² François Furet, *Interpreting the French Revolution*, Cambridge, Cambridge University Press, 1981, p.2.

³ Mlada Bukovansky, *Legitimacy and power politics – the American and French revolutions in international political culture*, Princeton, Princeton University Press, 2002, p. 165.

⁴ Jean Bodin, *On Sovereignty: Four Chapters from the Six Books of the Commonwealth*, Cambridge, Cambridge University Press, 1992, 188 pages.

a single person, his emphasis on the indivisibility of this power points towards its exercise by an absolute monarch.

This was the case in France before 1789. In the history of the emergence of the great European powers, the first phase was territorial unification of composite states under one crown and the second was the administrative and institutional unification of the state and the total control of sovereignty by the king. Istvan Hunt considers this second phase as the emergence of the “modern idea of united and indivisible sovereignty (which) replaced previous notions of divided or fragmented sovereignty, consisting of the mixed constitution internally and the composite multinational kingdom externally”⁵.

This phase was epitomized by the reign of Louis XIV.

As Hunt’s quote indicates, sovereignty is a dual concept: it is autonomy and independence. Domestically the sovereign has the *summa potestas* which means he has jurisdiction and the monopoly of constraint over a territory. And externally he has *plenitudo potestatis*, which is independence from other sovereigns. Under the *Ancien regime*, both these aspects of sovereignty were in the hands of the monarch. In 1789 the revolutionaries were faced with a territorially unified state where power had only one centralized source.

However, as France’s absolute monarchy started to unravel, the issue of sovereignty became central. Indeed sovereignty was power and the revolution was a struggle over who held and who exercised it.

In this, the French Revolution is of great interest. It is a unique political moment in which the domestic political order of France was altered in an unprecedented way and the role of France in the international political system along with its relations with its neighbours was redefined. Both the domestic and the foreign aspect of French politics underwent unprecedented change simultaneously.

Also, the political actors of the French revolution were strongly influenced by the philosophical debates of the time. This is not to say that their actions were the direct result of their ideas but that they particularly tried to theorize their actions and root them in philosophical ideas. Despite the fact that often philosophical principles were only of instrumental use, they played an important role in shaping the actors’ views and were powerful tools used to legitimize choices and actions.

No concept better embraces the various aspects of the political and ideological debate of the revolution than sovereignty.

⁵ Istvan Hunt, The Permanent Crisis of a Divided Mankind: ‘Contemporary Crisis of the Nation State’ in Historical Perspective, in *Political Studies* (1994), 166-231.

The political dimension of the Revolution can thus be understood as a semantic, ideological and political battle over sovereignty.

I owe this awareness of the central character of sovereignty during the French revolution to the excellent article by Istvan Hunt I quoted earlier, entitled “The Permanent Crisis of a Divided Mankind: ‘Contemporary Crisis of the Nation State’ in Historical Perspective”⁶ in which he highlights the complexity of the issue.

Indeed, if, in the end, the revolution transformed the absolute sovereign power of the king into popular sovereignty, this did not happen without fierce debates over the characteristics and exercise of sovereignty.

First of all, popular sovereignty is not a one-dimensional concept. The famous French constitutionalist Carré de Malberg differentiates two conceptions of popular sovereignty: the sovereignty of the nation and the sovereignty of the people⁷. In both cases sovereignty is popular in the sense that it resides in the people. However the difference lies mainly in the *exercise* of sovereignty.

The sovereignty of the people is a populist conception based on natural law in which holding and exercising sovereignty are indivisible. In consequence it entails direct democracy, imperative mandates and universal suffrage. The sovereignty of the nation on the other hand is elitist and positivist and involves a separation between holding and exercising sovereignty. It leads to representative democracy and limited suffrage. As ideal-types these two different conceptions allow us to simplify somewhat the revolutionary debates on domestic sovereignty despite their great fluidity.

These two different understandings of popular sovereignty have been largely written about, however their consequences are often only considered on the domestic level. In this paper I intend to also link them to different views of international politics.

Indeed, the study of the foreign relations of revolutionary France remains fairly marginal in the field of revolutionary studies.

This is not only the case of revolutionary France. A quick survey shows that the history of international relations concentrates on the contemporary period since 1919 and more still since 1945. Works on the “ancient history” of international relations are rarer and often focus solely on diplomatic relations and wars without considering the thinking on external relations, that is, without replacing the relations between states into their intellectual matrix.

⁶Op.cit.

⁷ R. Carré de Malberg, *Contribution à la théorie générale de l'Etat, tome II*, Paris, Sirey, 1922, 638 pages.

And as Richard M. Weaver says, “ideas have consequences”⁸. The fact that ideas matter is a matter of fact in domestic politics. In external relations however, the role of ideas and ideology is still largely debated.

The focus on sovereignty allows this paper to deal both with the domestic and international dimension of the revolutionary debates.

It is beyond the scope of this article however to present extensively the issues and debates on sovereignty during the revolutionary years. It is possible though to focus on the two conceptions of popular sovereignty by choosing two main political figures of the time as a representative of each way of thinking.

The Abbé Joseph-Emmanuel is considered today to be the intellectual mind behind the equivalence between the people and the nation that justified the idea of national sovereignty⁹. Sieyès wrote what may be called the most influential pamphlet of the early Revolution. *What is the Third Estate?* his contribution to the pre-revolutionary debate was published in January 1789, a few months before the convening of the Estates-General. Its influence in the first months of the revolution was considerable. It addressed two of the most pressing issues of the early Revolution: who should hold sovereignty and how should it be exercised, and how to keep France territorially unified despite the political changes brought about by the transfer of sovereignty?

Sieyès' answer was the sovereignty of the nation exercised in the name of the people by their representatives.

On the other side of the debate, Maximilien Robespierre, the leader of the Jacobins and the strong man of the Terreur, believed in the direct sovereignty of the people. He pondered the same questions Sieyès did, but his answers were radically different. According to him, only the direct power of the people could keep France unified and avoid despotism.

Both had very clear ideas on who should hold power and how it should be organized. They also wrote or spoke about foreign policy and war.

⁸ Richard M. Weaver, *Ideas Have Consequences*, Chicago, University of Chicago Press, 1984, 198 pages

⁹ Keith Michael Baker, *La souveraineté*, in François Furet and Mona Ozouf, *Dictionnaire critique de la Révolution française – Idées*, Paris, Flammarion, 1992, 483-506.

However, the complexity of the revolutionary years makes it difficult to classify political actors and authors in pre-defined categories. The political upheaval was so strong that alliances and opinions changed according to circumstances. It is possible however to highlight tendencies and frames of thought while keeping in mind how porous their boundaries were at the time.

Abbé Sieyès and the sovereignty of the nation

Emmanuel-Joseph Sieyès was born in the south of France and entered the priesthood after completing his education at the Sorbonne. His true interests lay in politics however and when he couldn't manage to be elected as a representative of the First Estate despite being a cleric, he chose instead to be a delegate of the Third Estate for Paris at the Estates General in 1789.

He was not a noted speaker and although he survived to become the instigator of Napoleon's *coup d'Etat* in 1799, his influence was greatest during the first months of the Revolution.

When the three Estates convened in May 1789, they were the reflection of a political society divided into orders and based on privileges. Despite the fact that the Third Estate represented by far the largest population it had barely more delegates than the two other orders had put together (the Third Estate had 578 delegates out of a total of 1039). It was also maintained in the minority by the voting system in the Estates-General. The delegates did not vote individually but each order voted in its midst. Since the clergy and the aristocracy often had similar interests the risk was that they would out-vote the Third Estate. This meant that, as the Estates-General stood, the Third Estate had no way of forwarding its agenda of political change.

Sieyès addressed this issue head on in *What is the Third Estate?* His aim was to avoid France returning to the old mixed constitution in which sovereignty was divided between the king and the corporations represented in the Estates-General. He does so by using the idea put forward by the reformers in the 1770's that sovereignty resided in the nation. The nation was made up of all the inhabitants of the territory of France.

Sieyès however radically changed the definition of the nation. He did away with the aristocracy and the clergy by describing them as unproductive and useless. He then equated the Third Estate, the order of the productive classes, with the nation.

Sieyès was very strongly influenced by the physiocrats and François Quesnay and their emphasis on productive work as the source of wealth¹⁰. This influence is very clear in his argument that the First and Second Estates are not part of the nation because they are unproductive¹¹. Sieyès then simply disintegrates the traditional social and political organization of France based on hierarchy and privilege. The course of history by developing commerce and industry had turned the Third Estate into the “national reality”. And since all the orders had been dissolved and the delegates represented only the nation, the voting system of the Estates-General needed to be changed.

This was the basis for the first demand of the Third Estate on the day after the official opening of the Estates-General. On the 6th of May 1789, the Third Estate demanded that the vote be per head and no longer per order. Since all delegates represented the nation and since the nation was made up of equal individuals free from the constraints of class and order, each delegate should vote individually. After some resistance on the part of the king and members of the two first orders, the delegates of the Third Estate were able to impose this new procedure which would change the course of the Revolution.

By equating the Third Estate with the nation, Sieyès tapped into a formidable source of political legitimacy. As Robert Palmer has shown, the idea of the nation as the “highest object of allegiance and ultimate source of authority”¹² emerged during the decades before 1789.

The parliaments, made up of magistrates who could not be removed by the king played a crucial role in politically energizing the nation. Starting from the death of Louis XIV the parliaments had slowly started to call into question the absolute sovereignty of the king. In a bid to reinstate the pre-absolutist mixed constitution, the parliaments “rediscovered” the ancestral contract between the king and the nation¹³. In their conflict with the Crown, the parliaments claimed to represent the nation. They considered that sovereignty belonged to the nation who delegated its exercise to the king. This theory of national sovereignty endowed the nation with a very strong power of legitimization.

¹⁰ He did not share their idea that land was the only source of productive wealth but agreed with Adam Smith that commerce and industry were fundamental to the wealth of a modern state.

¹¹ Keith Michael Baker, *Sieyès*, in François Furet and Mona Ozouf, *Dictionnaire critique de la Révolution française – Acteurs*, Paris, Flammarion, 1992, 295-313.

¹² Robert Palmer, *The National Idea in France before the Revolution*, *Journal of the History of Ideas*, (January 1940) Vol.1, No.1, 95-111, 96.

¹³ *Op.cit*, 105.

The parliaments were conservative forces but were often popular as the chief legal check on the absolute power of the king. They lost their *bras de fer* with the king but their impact was great since they questioned the king's claim to absolute sovereignty.

Sieyès drew upon this source of legitimacy by identifying the Third Estate with the nation. The closing lines of *What is the Third Estate?* are among the most powerful words of the French Revolution “*The Third Estate embraces then all that is the nation; and all that is not the Third Estate, cannot be regarded as being of the nation. What is the Third Estate? It is everything.*”

Sieyès manages to bring together the classical conception of the historical nation of France represented by its orders and the political community of individual citizens, bearers of sovereignty. The nation is the source of sovereignty and the Third Estate is the nation, thus the Third Estate holds sovereignty.

Once the claim that the Third Estate is indeed the nation and thus the sovereign has been asserted, the issue remains of the exercise of this sovereignty. The French classical constitutional theory elaborated by the parliaments in the decades before the Revolution had distinguished between holding sovereignty and exercising it. The nation held sovereignty but delegated its exercise to the king. This was a radical departure from the absolutist theory of undivided sovereignty in which the king embodies the nation and at once holds and exercises sovereignty¹⁴.

Sieyès uses the classical constitutional tradition in which the nation holds sovereignty as an entity and delegates its exercise to its representatives. Thus the members of the assembly that used to be the Estates-General are now representatives of the nation and exercise sovereignty in its name. This is Sieyès' “representative system” which was another main aspect of his thinking. He presents it as the last stage of social evolution in which the Third Estate chooses its representatives amidst the “available classes”. According to him, representation is the political translation of Adam Smith's division of labor. It is a practical solution to the impossibility for the nation to exercise its sovereignty directly in a country as large and as highly populated as France, but is also a social and political system based on the division of labor according to capacities. He theorizes the difference between the constituent power, the nation, and the constituted power, the representatives. He considers that the

¹⁴ Pierre Nora, *Nation*, in François Furet and Mona Ozouf, *Dictionnaire critique de la Révolution française – Idées*, Paris, Flammarion, 1992, 339-357.

constituent and the constituted powers need to be separated in order to avoid “contradictions and absurdities”¹⁵.

Thus his conception of popular sovereignty implies a representative system. Sieyès is very far from being a “democrat”. He even opposes his representative system to democracy. Like many of his fellow revolutionaries in the first part of the Revolution, Sieyès is wary of the “plebs”, that is the masses. He considers that politics should be in the hands of an educated and financially independent elite.

The representative system is the consequence of Sieyès’ indirect conception of sovereignty. Sovereignty is not immediately active; it needs to be filtered through representation. The representatives will activate sovereignty by elaborating the will of the nation.

The first advantage of the representative system is practical; it allows France to be governed in the spirit of popular sovereignty. The second advantage is that it enables the country to be governed by those most able. The third advantage is that it guarantees the territorial unity of the French state.

Before the Revolution, France had been a centralized and coherent territorial state for some centuries. There was a general consensus amongst the revolutionaries that the integrity and unity of the French territory needed to be maintained throughout the political upheaval. The aim was to transfer sovereignty away from the king but not to do away with the territorial heritage built up over the years. The French were already a people who mostly spoke the same language and shared a common history.

The idea of sovereignty had been elaborated by Jean Bodin and Thomas Hobbes as a way of maintaining the unity of the political body in times of political strife and instability. When Bodin theorized the modern concept of sovereignty under the influence of the Wars of Religion in France, he postulated that in order to maintain social order and insure the survival of the state there needed to be a supreme sovereign will. The unity of this will was necessary in order to ensure the supremacy of the sovereign which in turn guaranteed the unity of the state. This unity would only be possible if the will was perpetual, indivisible, inalienable and absolute. Bodin’s concept of sovereignty could theoretically be exercised by a prince, a dominant group or the people as a whole. However, in the *Six books of the commonwealth* Bodin demonstrates that it can only be effective in a monarchy and embodied in the unique person of the king. A collective sovereignty would not have the unity necessary to the authority of the sovereign. According to Bodin the unity of the sovereign needed to mirror the unity of the state.

¹⁵ Pasquale Pasquino, *Sieyès et l’invention de la constitution française*, Paris, Editions Odile Jacob, 1998, p.79.

However, Bodin's sovereign was necessary in order to guarantee the legal principles of the social order based on natural and divine laws. Thomas Hobbes continues the idea of the unity of sovereign and people by considering that the people becomes one in their act of submission to the sovereign. The sovereign creates the people since he embodies and unites them. Louis XIV increases this interdependency still further by claiming "l'Etat c'est moi". Under his rule monarchical sovereignty became absolute. His will was no longer the guardian of the social order; it became the source of the social order.

How then could the revolutionaries take away the sovereignty from the king and transfer it to the people without relinquishing the characteristics of modern sovereignty which are: its unity, its perpetual character, its indivisibility, the fact that it is inalienable and absolute.

Sieyès solved this problem by first considering the nation as an abstract entity, impersonal and disembodied. The sovereign is not the actual people as a mass, but the nation as an entity. By doing so, Sieyès used the model of Hobbes' *Leviathan*, the nation becomes the artificial man with an artificial will. The sovereignty then belongs to the nation, the sublimated people, which, as it is abstract and artificial is not at risk of losing its unity. Sieyès' nation is a unitary body of sublimated citizens exercising an inalienable common will.

He then instituted his representative system which allows the representatives to bring to light the general will of the nation. Sieyès feared the democratic tendency towards separatism and his main preoccupation was to maintain the territorial unity of France. He was also wary of particular interests. Consequently, he believed in the autonomy of the representatives and refused any binding mandate¹⁶. This is also due to his ideas on the division of labor. He believed that the representatives should be chosen among those most able to govern, this would allow the citizens to concentrate on their own activities and pursuits¹⁷. Politically however, the independence of the representatives from their voters allows them to legislate according to the general will which would be "discovered" through their deliberations in what was to become the *National Assembly*. Thus, the unity of the nation is mirrored by the unity of its representation. Each deputy represents the nation as a whole and not his constituents.

¹⁶ Keith Michael Baker, Representation, in *The French Revolution and the Creation of Modern Political Culture, Vol. 1 The Political Culture of the French Revolution*, Ed. Colin Lucas, Oxford, Pergamon Press, 1988, 105-123.

¹⁷ Speech delivered on the 2nd of October 1789. Robespierre's speeches can be found on-line at Gallica.

In order to ensure the unity of the abstract nation it also needed to be mirrored in a united political body of citizens. The unification of the people of France would be achieved through administrative and territorial unification, through education and language but also, and most importantly through citizenship.

Indeed, for Sieyès representation is not political exclusion since all citizens can be represented. Sieyès considers that all individuals are equal and that all individual are citizens. As citizens and members of the nation they all have a right to be represented. However, the exclusion is elsewhere, in the access to the vote. Sieyès' manages a tour de force as he reconciles aspirations to equality and upholding social hierarchies. In 1789, the "people" understood as the "citizens" were differentiated from the "people" understood as the Roman "plebs". The Revolution had transformed Frenchmen from "subjects" into "citizens". However, the term had such a strong symbolic power of political legitimacy that it was used by all and even became a universal term of address in 1792. This led to its having multiple and sometimes contradictory meanings.

Sieyès was the first to use the distinction between "active" and "passive" citizen that was introduced in the Constitution of 1791¹⁸. All inhabitants of a country have the rights of the passive citizen. Sieyès extends citizenship to all. This "minimal" citizenship is in fact the right to enjoy the security and protection of the state. "Active" citizenship is the right to take part in the political process¹⁹.

The delegates of the Third Estate, despite their appeals to the "people" were what we would call today "the middle or upper- middle class". They were educated and moneyed. The "plebs" were totally disenfranchised and the great majority of the revolutionaries were willing to give them more power. Sieyès managed to reconcile the aspirations for equality of the time with the elitism shared by many of the actors of the Revolution²⁰. He considered that passive citizens were not excluded from the political process because they were part of the nation and that the members of parliament represent the nation as a whole, in its entirety. Also, Sieyès, perhaps naively believed that all men share the same fundamental interests. Since the representatives legislate according to the will and the interests of the nation, passive citizens are taken into account. In this way, the concept of nation allows the reconciliation of limited political participation with the equality of all men.

¹⁸ William H. Sewell, Jr, *Activity, Passivity, and the Revolutionary Concept of Citizenship*, in *The French Revolution and the Creation of Modern Political Culture, Vol. 1 The Political Culture of the Old Regime*, Ed. Keith Michael Baker, Oxford, Pergamon Press, 1988, 469-492

¹⁹ Emmanuel Sieyès, *Reconnaissance et exposition raisonnée des Droits de l'Homme et du Citoyen*, BNF, Gallica.

²⁰ Istvan Hunt, op.cit.

According to Sieyès, sovereignty does not belong individually to each citizen but indivisibly to all as a whole, to the nation. The nation is the mediator between the people and sovereignty. Sieyès effects a dual shift, he divides the fact of holding sovereignty from the fact of exercising it and so deconstructs the absolute sovereignty of the king. He then shifts sovereignty away from the unique person of the king towards a collective united abstract entity, the nation. And finally he puts the exercise of sovereignty into the hands of the representatives of the nation itself. Sieyès theorizes indirect popular sovereignty.

From the sovereignty of the nation to national interest

I will now attempt to illustrate the impact that Sieyès' conception of sovereignty might have on the external policies and behavior of a state.

Sieyès' was mainly interested in constitutional theory, the greatest part of his writings have to do with the internal articulation of power. On the other hand, he wrote little on the subject of foreign policy *per se*. He does touch on the subject in *What is the Third Estate?* in which he states his overall philosophy of international relations. "The nations of the earth should be considered as individuals outside of the social realm, or as one says, in a state of nature"²¹.

This quote allows us to consider Sieyès as part of the realist school of international relations²². Indeed he considers states to be sovereign and independent entities who do not acknowledge any higher political or legal authority. International politics according to Sieyès are relations between independent states in a state of anarchy. Anarchy, because he does not believe that there are any rules or norms that these entities must bow to in the course of their mutual relations.

Since Sieyès had managed to transfer sovereignty to the nation, he enabled revolutionary France to claim its protection. Indeed the king no longer holds the *plenitudo potestatis*, the nation does. Consequently, any external intervention in the domestic politics of France is illegitimate. The nation is sovereign and is thus independent from other sovereigns. Since the will of the nation is supreme, the nation alone can give itself laws. As a consequence any intervention external to the nation is illegal and illegitimate.

²¹ Emmanuel Sieyès, *Qu'est ce que le Tiers état ?* Librairie Droz, Genève, 1970, 228.

²² Stephen Chan and Cerwyn Moore (Eds), *Theories of International Relations, Volume 1, Approaches to International Relations: Realism*, London, Sage, 379.

This external aspect of sovereignty was of great use to the revolutionaries. In the first years of the Revolution their sole aim was to regenerate France, to change its political and social order. Their fear of seeing France disintegrate into smaller entities was coupled with a fear of foreign intervention. Indeed, the political instability in France could have led to fragility and sharpened the appetites of its powerful European neighbors. As the Revolution moved towards a republic, the fear was also very strong that the European princes linked to Louis XVI by strong family ties and treaties might decide to invade France in order to put a stop to the Revolution and maintain Louis on the throne. The principle of the sovereignty of the nation enabled the revolutionaries legitimately to affirm the territorial integrity of France in the political vocabulary of sovereignty.

In the first months of the Revolution, the European powers stood by, with relative goodwill, and watched the events unfold. France's neighbors weren't unhappy to see it weakened by domestic turmoil²³. This meant that the revolutionaries were able to focus almost exclusively on domestic issues. The new political elite concentrated on solving the political and economic issues and left the king in charge of foreign policy.

The first important discussion on foreign policy took place in May of 1790 when the king of Spain asked his cousin Louis XVI to intervene in a conflict that opposed him to England in the name of a family treaty. This led to a debate within the National Assembly on two major issues: is the nation tied by the treaties signed before 1789, who has the right to declare war ?

These questions had not been raised until then which proves that the revolutionaries paid scant attention to foreign policy until it came knocking on their door.

On the 20th and 22nd of May 1790, the National Assembly voted its "Declaration of Peace to the World". This text asserted that the right to declare war and peace belonged to the nation, the constituent power. This was of vital symbolic importance. What more potent proof of sovereignty than the power to order men to lay down their lives? The right of war was the ultimate attribute of the sovereign. The king however kept the right of initiative in diplomatic matters but all treaties had to be ratified by the National Assembly which also controlled the purse strings since it voted the military budget. The National Assembly was to declare war after proposal by the king, who could however, in cases of emergency, act militarily and get approval *ex post facto*²⁴. The decree also spelled out the

²³ Mlada Bukovansky, The Altered State and the State of Nature – the French Revolution and International Politics, *Review of International Studies* (1999), 25, 197-216.

²⁴ *Histoire de la diplomatie française*, presented by Dominique de Villepin, Paris, Perrin, 2005, 1050.

intentions of revolutionary France regarding its neighbors “the French nation renounces all wars of conquest (a direct allusion to the bloody wars of Louis XIV that had awoken fears of a universal monarchy over Europe at the beginning of the century) and declares that it will never use force against the liberty of any people”²⁵.

The first two years of the Revolution were dominated by this spirit of pacifism. Not only were the new political actors focusing on the internal struggles but they also knew that France was too weak to engage in any open conflict with its neighbors. Consequently, Louis XVI was forced to refuse France's help to Spain against the British in the Nootka Sound crisis. A conflict with the powerful British was unthinkable at the time. The consensus on France's retreat from the world stage and its neutrality in European politics was as much a consequence of political idealism as of a realist appraisal of France's possibilities²⁶.

However, even during this time the discourse of national sovereignty was beginning to emerge.

In *What is the Third Estate?* Sieyès postulated that nothing was above the will of the nation. It is the constituent power and cannot be subject to any other norms than its own²⁷. He reiterates this point by saying explicitly that in the frame of international politics the actions of the nation must “remain independent from any procedures”²⁸. By doing so he frees external action from any legal or moral consideration. “A nation cannot alienate or forbid itself the right to have a will, whatever its will it cannot lose the right to change it if its *interest* is at stake”²⁹. The only natural right is the right for the nation to exist. Since we already know that nations exist in a state of nature and since no norms can be higher than those the nation gives itself, the only guiding principle of a nation's actions on the international stage are its interests.

The absolute autonomy of national sovereignty such as Sieyès sees it is reminiscent of the power politics of the *Ancien Regime*. The interest of the nation justifies all.

This illustrates Sieyès' pragmatism; he considered that the transfer of sovereignty from the king to the nation could not be expected to bring about a revolution in the international system³⁰. He believed that nations were independent and that the revolution in France was purely a domestic affair.

²⁵ Decree of the National Assembly, 20-22 May 1790.

²⁶ Histoire de la diplomatie française, op.cit.

²⁷ Istvan Hunt, op.cit., p 206.

²⁸ Emmanuel Sieyès, *Ecrits politiques*, (Ed. Roberto Zapperi), Paris, Editions des Archives Contemporaines, 1985, 277.

²⁹ Emmanuel Sieyès, *What is the Third Estate ?* Chapter IV, p.69, personal translation, my emphasis.

³⁰ Istvan Hunt, op cit, 206.

This view of things was far from being shared by all the political actors of the time. Carnot, for example, considered that sovereignty was reciprocal³¹. According to him, nations are not in a state of nature, since “sovereignty belongs to all people,”³² consequently the sovereignty of one nation is limited by the sovereignty of others. A nation’s sovereignty is fulfilled through the recognition of the sovereignty of others. Carnot, however, as a military-man, agreed that this principle could not be held up in exceptional circumstances because “all political action is legitimate so long as the survival of the state calls for it.”³³ Since nothing is above the interest and survival of the nation, the sovereignty of other nations may be “suspended” in case of need. The only guiding principles of foreign policy under the autonomous definition of the indirect popular sovereignty of the nation are self-preservation and national interests.

Sieyès’ indirect popular sovereignty and representative system had further consequences on the administration of war and the role of the executive power.

In January 1793, Sieyès presented a report on the administration of war to the Convention. The Revolution had gathered speed since the Constitution of 1791 had upheld the pacifist consensus of the decree of May 1790. In April 1792, just two years after the “Declaration of Peace to the World”, France had declared war on Austria. On the 10th of August 1792, monarchical rule had ended in France and a republic was being created.

With the end of the monarchy the revolutionaries were faced with the problem of creating a republican executive power. The debates were intense and went on until Napoleon’s *coup d’état*. Part of the political actors wanted to stabilize the revolution by creating a strong executive power relatively autonomous from the legislative power they considered to be too much under the influence of the *sans-culottes*³⁴. Also, since the execution of Louis XVI on the 21st of January 1793, France, already at war with Austria since 1792, was more isolated than ever on the international stage and war with Britain loomed on the horizon.

In this context of intense internal and external tension, when imminent disaster was a distinct possibility, Sieyès was asked to elaborate a plan to organize the Ministry of War. It is evident that the

³¹ Florence Gauthier, *Triomphe et mort du Droit naturel en Révolution, 1789-1795-1802*, Paris, Puf, 1992, 310.

³² Quoted in Florence Gauthier op cit.

³³ Op.cit. p.103

³⁴ After the National Assembly moved from Versailles, outside of Paris, to the center of the French capital, the Parisian mob played an increasing role in the debates and legislative decisions by their presence and sometimes physical intrusion into the work of the assembly. It has been said that the radicalization of the revolution was tied to this physical proximity to the « masses populaires ».

administration of war is not just another aspect of the administrative organization of the state. It is the “ultimate seat of power, the essential mark of sovereignty”³⁵.

Sieyès believed in representation, in the autonomy of representatives and in the division and specialization of labor. His complicated plan for the Ministry of War reflects these core ideas.

Sieyès considered that in its essence war belongs to the executive power. The nature of war means it cannot be under the control of the legislative power because it would hinder the efficiency military action needs. Consequently Sieyès proposed that the Ministry of War be autonomous from the legislative power (the Convention at the time) because the use of military force requires quick orders and obedience. The power of the executive is justified by efficiency but also by the fact that the survival of the nation is at stake.

Because of its vital importance for the preservation of the state, the politics of war is detached from the legislative power. Once more this illustrates Sieyès’ pragmatism, efficiency is the driving force and principles can be bent in order to ensure self-preservation. The only imperative is survival.

If Sieyès was not a great theorist of international politics, he did play an important role in shaping France’s foreign policy when he was appointed Foreign Affairs Minister after the fall of Robespierre. Although it had managed to win battles and turn the course of the war around, peace was imperative for France after the Terror. The country was terrified, civil war was a distinct possibility, and France was totally isolated from its neighbors.

Sieyès’ diplomatic choices were a clear endorsement of the *raison d’état* so dear to the French kings since Richelieu coined the expression. His aim was to create a powerful entity within the “natural boundaries” of France and to ensure its security by creating a protective ring of vassal republics. The autonomy of the sovereignty of the French nation from any superior norm legitimizes the power politics necessary to ensure France’s control over its neighbors. This is in turn legitimized by the necessity to protect the nation from external threats by a barrier of friendly republics. One example of this project is exposed in the draft peace treaty with Prussia he presents to the Comité de Salut Public. In it, Sieyès legitimizes the expansion of France all the way to the eastern edge of the Rhine and the creation of a league of micro-states in order to keep Prussia and Austria from France’s door.

³⁵ Jean-Paul Bertaud, *L’administration de la guerre sous la Révolution*, in *The French Revolution and the Creation of Modern Political Culture, Vol. 1 The Political Culture of the French Revolution*, Ed. Colin Lucas, Oxford, Pergamon Press, 1988, 421.

During his whole time as chief diplomat, Sieyès' unique ambition would be the expansion of France and the redefining of borders and states in continental Europe in order to guarantee that France would remain a large empire protected by its satellite republics³⁶.

It can thus be considered that Sieyès' conception of an autonomous, unlimited sovereignty of the nation made a policy of territorial expansion possible.

Sovereignty of the people and universal brotherhood.

If Sieyès was one of the most influential thinkers of the Revolution, Robespierre is arguably the most important actor of the French Revolution. No others had his influence and power. No others were as divisive. As the ideological leader of the Jacobins, he was the founder of a theory of politics that still survives to a certain degree in France today.

Robespierre addressed the same issues as Sieyès over the course of the Revolution. Who or what was the sovereign? Who exercised sovereignty? How could France keep its large territory intact despite the political changes it was undergoing? What was France's place and role in the world?

The questions were the same but the answers could not be more different.

Sieyès' answer was the indirect popular sovereignty, or the sovereignty of the nation. Robespierre defended the idea of a direct popular sovereignty, or the sovereignty of the people.

Sieyès' main concerns were order and the fear of unrest to avoid the unraveling of France, whereas Robespierre's wanted liberty and feared despotism.

In Robespierre's view the sovereign was the people. He equated the people with the nation as did Sieyès, but the similarities end there. Sieyès' nation was an abstract entity whereas for Robespierre the nation was made up of the actual people. The holder of sovereignty is the "common mass of citizens"³⁷. Where Sieyès divided the absolute sovereignty of the king into holder and executor, Robespierre simply shifted undivided sovereignty away from the king and onto the people.

Contrarily to Sieyès and many of the early revolutionaries, Robespierre was a populist. The son of a relatively poor but educated family from Arras in the north of France, Robespierre developed a fascination for the Roman Republic during his studies at the Lycée Louis-le-Grand in Paris. He chose to be elected delegate of the poorest corporation of Assas to the Estates-General. He identified with

³⁶ Paul Bastid, *Sieyès et sa pensée*, Genève, Slatkine reprints, 1978, 649.

³⁷ Raymond Carré de Malberg, *op cit.*, 152.

the people. "Know that I am not the defender of the people (...) I am from the people, I have never been anything else, I only aspire to be this"³⁸. While Sieyès abstracted the people into the nation, Robespierre develops a class-based conception of the people. This tendency, present from the start of the Revolution, became increasingly central to Robespierre's thinking as the *Sans-culottes* became a political force³⁹. Each individual citizen holds a part of sovereignty.

Robespierre was greatly influenced by Locke's philosophy of natural law⁴⁰, whose fundamental principle is that natural laws pre-date all human societies and are superior and independent from human norms. Locke's political theory postulates that natural law must be declared and all powers submitted to its principles. Robespierre's aim was to reconcile society and natural law through the creation of a state based on the natural rights of the citizen. The philosophy of natural law claims that liberty is the natural condition of man. This liberty however is limited by natural law, by the liberty of others. Liberty is reciprocal and implies equality⁴¹. Since equality is the mutual recognition of the liberty of one's fellow citizens, the sovereign people must protect the commonwealth from despotism⁴².

Robespierre shared Rousseau's reluctance towards representation. He feared that a distinct class of representatives might confiscate the liberty of the citizens and lead to despotism. He considered that popular sovereignty is immediately active. Ideally there should be no filter or obstacle between the people and the exercise of their sovereignty. However, he also knew that the direct power of the people was impossible in a country the size of France. Hence, representation is a necessary evil. In order to limit the risk of despotism, Robespierre insisted on the need to tie the representatives to the people: "whenever the people do not exercise their authority or manifest their will by themselves but through their representatives and when the representative body is not pure and almost identical to the people, liberty is dead"⁴³.

Robespierre also feared factionalism and special interests. If the representatives were left to their own devices they could use their power in their own and not in the general interest.

The first way for the citizens to control their representatives and to ensure that the interests of the majority were taken into consideration was by extending the franchise. The first line of defense is the

³⁸ P. Gueniffey, *Robespierre*, in François Furet and Mona Ozouf, *Dictionnaire critique de la Révolution française – Acteurs*, Paris, Flammarion, 1992, 247-271.

³⁹ Florence Gauthier, *Triomphe et mort du droit naturel en Révolution 1789-1795-1802*, Paris, Puf, 1992, 310.

⁴⁰ *Ibid.*

⁴¹ John Locke, *Two Treatise of Government*, Cambridge, Cambridge University Press, 1988, 480.

⁴² Albert Soboul, *Dictionnaire Historique de la Révolution française*, Paris, Puf, 1989, 1132.

⁴³ Speech 18th of May 1791.

electoral body. Robespierre considered that the more people voted, the more the representatives would be compelled to respect their liberty.

Robespierre was a very strong opponent of Sieyès' "active" and "passive" citizenship. He considered that all men are citizens and citizenship is immediately active. He also disagreed because he considered that this distinction of two categories of citizens was contrary to the other fundamental principle of natural law: equality⁴⁴.

Equality is perhaps the most important aspect of Robespierre's ideology; society should protect the natural equality of all men against abuses of power⁴⁵. As a consequence Robespierre held very progressive views on who was entitled to citizenship, he defended the rights of Jews to vote, universal suffrage and the end of slavery. Unfortunately the chauvinistic turn of the Revolution after 1792 put an end to these ideas of openness.

Equality was also a way of controlling the representatives. It meant that those who were elected were not better than those who had elected them. Equality and the active sovereignty of the people meant that the representatives could not be autonomous from the people. Representation is only a means to an end, a technical way of exercising sovereignty. Robespierre does not consider the representatives to be wiser than the citizens.

In order to avoid distorting the will of the people, the representatives need to be under their control. Whereas Sieyès considered the vote as a means of *choosing*, Robespierre saw it as a way of *controlling*. The representatives are tied by the imperative mandate the people give them. Government is the "property" of the people⁴⁶. Robespierre shared Locke's view that the autonomy of power leads to despotism. Consequently, the people have a fundamental right to revoke their representatives, to change their government, through insurrection if need be⁴⁷. This idea explains Robespierre's justification of the actions of the *sans-culottes*.

In order to avoid despotism, Robespierre attempted to avoid the autonomy of power at all costs. To do so he used Sieyès' idea of a united people and a united representation and radicalized it into a holistic

⁴⁴ Georges Labica, *Robespierre – une politique de la philosophie*, Paris, Puf, 1990

⁴⁵ Article 3 of his draft declaration of *The Rights of Man* presented to the Club des Jacobins on the 21st of April 1793.

⁴⁶ Article 14 of the draft *The Rights of Man* of man presented by Robespierre at the Club des Jacobins on the 21st of April 1793.

⁴⁷ Article 29 of the draft *The Rights of Man* presented by Robespierre at the Club des Jacobins on the 21st of April 1793.

view of the nation. Robespierre blended the government and society to create what Sieyès called a "ré-totale",⁴⁸ as close as possible to the ancient Republics.

Where Sieyès had put together an elaborate administrative organization of the French territory in order to avoid regionalisms and factions, Robespierre counted on the integration of the people into a brotherhood to maintain the territorial unity of France. Republican virtue and brotherhood were to insure the unification of the people. It is a little-known fact that Robespierre was the first to coin the sentence that was to become the motto of the French Republic, "Liberté, Egalité, Fraternité", in a speech on the 5th of December 1790.

However, the size of France required a powerful center to avoid disintegration. The Comité de Salut Public and the Jacobins theorized the "despotism of liberty" in order to ensure their political control over France. Society needed to be "regenerated" and representation needed to be "cleansed" in order to ensure its purity. The Terror was not far off.

Initially however, Robespierre's system was not supposed to lead to the absolute power of the people. The citizens themselves were submitted to the obligation to respect natural law. "Any law that violates the imprescriptibility of the rights of man is essentially unjust and tyrannical: it is not a law." In this wording of article 18 of his draft declaration of the rights of man, Robespierre very clearly places limits on the sovereignty of the people.

Robespierre tried to counteract the natural corruption of power by controlling every level of authority. The legislative controls the executive, the people control the legislative and the people are under the superior authority of the laws of nature.

Robespierre's direct and immediate sovereignty of the people meant his government was legislative-centred. The legislative power is closest to the people and under its direct control. The executive is more remote and its role needs to be strictly limited.

This is all the more true in the case of war.

Robespierre refused Sieyès' plan for the organisation of the Ministry of War in January 1793. He did not trust the executive power, be it monarchical or republican, since he believed that it was a direct threat to freedom. Sieyès' project was organised around the primacy of the executive in the planning and execution of war. For Robespierre, on the contrary, war needs to be detached from the executive

⁴⁸ Istvan Hunt, op cit., 204.

power and submitted to the control of the legislative. He considered the executive to be a potential danger to public liberties. This threat would be intolerable if the executive also controlled the army⁴⁹. The armed forces themselves were submitted to Robespierre's unification of the state apparatus and society. He advocated citizen-armies and the collective mobilization of all citizens in the defence of the country. As early as December 1790 Robespierre put forward his project of National Guards, that would be the only armed forces deployed on the national territory. In case of necessity, if the nation was attacked all the citizens would be armed and defend their country. This idea of citizen-armies would later prove a most efficient military strategy as the ideology of popular sovereignty would be a driving force behind the valour of the French soldiers.

Robespierre's wariness is based on principles but also on fact. In 1791 and 1792 many officers of the French army were still aristocrats whose loyalty to the new state was questionable.

Robespierre's belief in natural law led him to transfer the absolute sovereignty of the king onto the people as individual citizens. His conception of sovereignty was immediate and direct. This meant unifying the people through brotherhood and linking society and government.

The people however remained submitted to the natural rights of man.

Universal brotherhood

Contrary to Sieyès, Robespierre was one of the great speakers of the Revolution. He also expressed himself often on the issues of war and international politics.

He was one of the initiators of the *Declaration of Peace to the World* in 1790 that banned offensive warfare. His speeches at the time show very clearly the strong influence of natural rights theory and his will to break from the *raison d'Etat* of the Ancien Regime: "the French nation, happy to be free, will not engage in any wars and will live with all nations in the brotherhood ordered by nature"⁵⁰.

This quote shows explicitly that Robespierre's thoughts on foreign policy were strongly influenced by Mably's criticism of power politics and John Locke's theory of universal sovereignty. The same philosophical principles governed Robespierre's conception of the just domestic order and of the right international system. Locke's affirmation of the unity of the human race was built in opposition to the politics of conquest of the European royal powers. The universality of natural laws was the driving

⁴⁹ Patrice Gueniffey, *Robespierre*, op cit.

⁵⁰ Quoted by Marc Bélissa, *Fraternité universelle*

principle of the *Declaration of Peace to the World* in 1790⁵¹. At the time, it seemed that the sovereignty of the French nation was to find its fulfilment in reciprocity as the citizen's freedom was ensured by his respect for the freedom of others.

France's refusal to honor the family treaty between Louis XVI and the king of Spain as well as their denunciation of the rights of the German princes in Alsace⁵² were justified by the fact that all nations are sovereign and free from unjust treaties.

The sovereignty of the people cannot be bound by treaties signed by illegitimate princes. The people are free to determine themselves. Popular sovereignty radically called into question the traditional international order based on "dynastic legitimacy"⁵³.

In the months following the beginning of the Revolution, France distanced itself from the power politics that dominated European relations by retreating from the international system. Fairly quickly however, after the initial debate of May 1790, several actors began to call into question the legitimacy of an international order that did not respect natural rights. Not only was the legal basis of international relations contested but the methods of traditional diplomacy were also "revolutionized".

The new political elite wished to renew political practises, including the dealings of diplomats. In a report presented to the Club des Jacobins in April 1791, Charles-François Dumouriez, future Minister of Foreign Affairs and at the time very close to Robespierre, presented his vision of a renewed foreign policy, based on the principles of enlightenment⁵⁴. The new French diplomacy would replace secrecy and Machiavellian manoeuvres with good faith and transparency. Diplomats would be virtuous and sober republicans under the control of the legislative power⁵⁵. Wars would only be defensive or in aide of a nation asking for France's intervention to protect it from despotism.

A year later, and two years after the *Declaration of Peace to the World*, France declared war on Austria. Both the monarchy and part of the revolutionaries had been pushing towards war. The king and his entourage were hoping to strengthen his position by uniting the country behind him in war. The revolutionaries who followed Brissot wanted to push the king to choose between his allegiance to the

⁵¹ Florence Gauthier, op cit.

⁵² France's abolition of feudal rights contradicted the rights of German princes in Alsace that had been guaranteed through treaties with the French monarchs.

⁵³ Mlada Bukovansky, op cit, 197.

⁵⁴ Patricia C. Howe, Charles-François Dumouriez and the Revolutionizing of French Foreign Affairs in 1792, *French Historical Studies*, Volume 14, number 3, Spring 1986, 367-390.

⁵⁵ Linda Frey and Marsha Frey, "The reign of the Charlatans Is Over": The French Revolutionary Attack on Diplomatic Practice, *the Journal of Modern History*, Volume 65, No. 4, December 1993, 706-744.

new political regime and his aristocratic allies in Europe⁵⁶. In the months that led up to the war, Robespierre was not a member of the Assembly and used the Club des Jacobins to voice his opposition to the war. He opposed the war for a number of reasons⁵⁷. First of all, he was wary of war in general since he considered that it led to a strengthening of the executive power. Basing his ideas on historical examples such as Caesar and Pompei, he considered that “war is always the first wish of a powerful government that wants to become more powerful still”⁵⁸. War allows the government to restrict liberty with the excuse of military necessity; it detracts the people’s attention from the control of its government towards admiration for its army and turns the hierarchy of powers on its head.

Robespierre also refused the war because, as he said in January 1791, “nobody likes armed missionaries”. He refused a war of conquest because it is incompatible with the principles of natural law. Here again, Robespierre shares Locke’s idea that the sovereignty of the world belongs to the human race. This shared sovereignty implies the universal brotherhood of mankind. This principle is found in article 35 of Robespierre’s draft *Declaration of the Rights of Man* in 1793: “Men of all countries are brothers and the different peoples must help one another as do the citizens of a same state”. Robespierre applied the same principles to domestic social relations and to external international relations.

Despite all the previous assertions of pacifism, the war took a turn for the worse and from September 1792 France once more became a conquering power.

The context of war and the rising domestic strain reinforced the need for national unity. The holistic conception of popular sovereignty gave the French state enough power to pursue imperial aspirations⁵⁹. The citizens were not only fighting for the preservation of the territorial integrity of France but also for the universal principles of natural law and the survival of the Revolution. Once he lost the debate over war, Robespierre aimed at ensuring France’s victory. His role in mobilizing the people to resist the armies of the European princes was crucial. He claimed that if France were to be defeated, all hope was lost to see the universal principles of liberty, equality and brotherhood prevail. He famously said that if France lost, all of Europe would be in chains but that if she won the whole world would benefit. This motivation of the citizen-soldiers was critical to the combat effectiveness of the

⁵⁶ Marc Belissa, op cit.

⁵⁷ Georges Labica, op cit.

⁵⁸ Speech 18th of December 1791

⁵⁹ Mlada Bukovansky, op. cit.

French armies⁶⁰. Another consequence of Robespierre's idea of an army of citizens was the huge potential for new soldiers. Since all citizens were responsible for the survival of the commonwealth and since all individuals were citizens the number of able bodies available for warfare was greatly multiplied.

As the war progressed the idea of liberating "sister republics" gave way to direct administration of the conquered territories and annexation. Simultaneously the domestic tensions were culminating and the central government was losing control over large portions of the territory. This double pressure led to a merger between Sieyès' idea of absolute sovereignty of the nation and Robespierre's direct popular sovereignty. Jacobin republicanism became national patriotism. As the threats increased, the fear of internal counter-revolution did away with the ideals of brotherhood and openness.

Indeed in the face of imminent disaster, the Jacobins became aware that the supreme law was the survival of the state. External war and quasi-civil war meant that the powers of the central government needed to be strengthened. Robespierre's open and tolerant conception gave way to an exclusionist conception of citizenship, foreigners were regarded with suspicion when they had been welcomed as brothers and dissent became treason. The despotism of the Terror became inevitable.

The political and diplomatic situation brought about by the revolutionary wars had in fact created a state of anarchy. Sieyès' idea that nations lived in a state of nature had become reality. The Revolution destroyed the international system that had ruled Europe since the peace of Westphalia by challenging its legitimacy as well as the legitimacy of the political regimes of its neighbours. The rules and norms of international politics were brushed away by the total war of the French who fought for survival, territorial expansion and ideology. The Revolution had brought about chaos which only came to an end with the defeat of Napoleon in 1815.

Thus the realism inherent to Sieyès' sovereignty of the nation and national interest collided with the ideology of the immediate sovereignty of the people and its powerful force of popular mobilization.

Nationalism was born.

⁶⁰ Ibid.