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Article

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Law, suspicion and social hermeneutics at the inception of the Terror, April 1793

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This article revisits the genesis of the Law of Suspects of 17 September 1793, locating it in the longer *durée* of community and police surveillance, and the semantic field of 'suspicion' from the early eighteenth century to April 1793. It argues that the hermeneutics of suspicion, deployed by both citizens and the police as a means to ensure public safety, was a practice of keeping a watch out for suspicious social types (vagabonds, demobilized soldiers, foreigners, religious minorities etc.): people out of place or without occupation. With the Revolution of 1789, the social valences of suspicion underwent a carnivalesque inversion: the idle were now aristocrats rather than the poor; the drifter was now an émigré rather than a vagabond, immigrant, or solider; the religious outsider was now the recusant priest. But as the crisis of 1793–94 deepened, fear corroded all efforts to classify the social world. The Law of Suspects was an effort to rein in popular violence by offering a new way of reading social life through speech, comportment and behaviours rather than fixed categories of identity. 'The suspect'—an identity defined only by transgression—incarnated the evil-doppelgänger of 'the citizen', whose legal parameters were yet to be defined.

The Law of Suspects of 17 September 1793 is often characterized as the quintessence of the legal 'terror' imposed by the Jacobins as they assumed control of the French National Convention. The motor of suspicion in public life and in criminal law was, in fact, nothing new, nor was the policing practice of pre-emptive detention without judicial review.[1] The Revolution, if anything, put into place greater judicial review, and through the successive crises of 1789–93 generated new ways of reading the world that evolved from the pragmatic to the sublime. Revolutionary justice aimed not only to maintain public order and safety, but also to inculcate new norms or civic and political identity through the social hermeneutics of suspicion. The social category of the 'suspect' emerged in 1793 as an empty juridical signifier in an attempt to pre-emptively contain imminent and shape-shifting threats to the emergent Republic.

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1 See, for example, Keith Baker (ed.), *The Old Regime and the French Revolution* (Chicago, 1987), document 39, 353.

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I

In the early 1780s, that keen observer of urban life, Louis Sébastien Mercier, added the following entry to his *Tableau de Paris*: 'The Watch. The safety of Paris at night is the work of the watchman, and of two to three hundred spies who beat the pavement, and who identify and follow suspicious persons. …'[2] Eighteenth-century cities, and especially Paris, were teeming with shady characters, vagabonds, illegal immigrants, swindlers, and dangerous criminals who might easily have passed for honest itinerant workers or upright travelling businessmen. How was it possible to distinguish the dangerous types from decent citizens going about worthy business? In pre-Revolutionary France there were no legal obstacles to arbitrary detention, no writ of *habeas corpus*—depending upon who was doing the detaining. The policing problem lay not in the collection of sufficient evidence to justify detention, but rather in the economic necessity of exercising keen observation. Resources were limited; potential dangers many. Public safety depended upon the art of subtle discrimination and the elaboration of reliable networks of information—in sum upon a vast web of volunteer busybodies and paid informants.[3]

There were particular categories of individuals who were by their very nature suspicious and thus the object of heightened and continuous scrutiny by the police: ex-criminals (ever-identifiable by marks carved into their skin by penal authorities), foreigners, religious minorities, visitors from other parts of France, vagrants (deserving or undeserving), the diseased or potentially infected, decommissioned soldiers, and by the latter half of the century, itinerant workers of any sort.[4] Over the course of the seventeenth and eighteenth centuries, all of these groups were gradually required by the police to carry identity papers at all times. In Paris and larger cities butchers, bakers, doctors, pharmacists, jewellers, actors, singers and dancers, printers, booksellers, *colporteurs* and writers received special attention, but in reality, the police watched everyone and suspected everyone.[5] Judgement of character required close, sustained scrutiny, and in the best of circumstances mastery of the ancient art of physiognomy—discerning moral character from physical features, gestures and expressions, especially those of the face.[6]

Steadily, eighteenth-century criminal jurisprudence came to the view that it was better to prevent a crime than to punish it. The key to prevention was heightened surveillance and pre-emptive detention. In 1766, Joseph Michel Antoine de Servan, a lawyer before the bar of the Parlement de Grenoble and future collaborator on the *Declaration of the Rights of Man and Citizen* in 1789, wrote that the key to public security was heightened surveillance of suspicious persons by public officers: 'An idle man is a villain in the making … he is suspicious, and thus

2 Louis Sébastien Mercier, 'Le Guet', in the *Tableau de Paris*, (Amsterdam, 1782), 1:196.

3 Alan Williams, *The Police of Paris, 1718–1789* (Baton Rouge, LA, 1979); Isabelle Foucher, Vincent Denis and Vincent Milliot (eds), *La Police des Lumières: ordre et désordre dans les villes au XVIII^e siècle* (Paris, 2020); David Garrioch, *Neighbourhood and Community in Paris, 1740–1790* (Cambridge, 1986).

4 Vincent Denis and Vincent Milliot, 'Police et identification en France au siècle des Lumières', *Genèses*, 54 (2004), 54–27; Vincent Denis, 'The invention of mobility and the history of the state', *French Historical Studies*, 29 (2006), 59–77; Peter Sahlins, *Unnaturally French: Foreign Citizens in the Old Regime and After* (Ithaca, 2004); J. F. Dubost, 'Les Étrangers à Paris au dix-huitième siècle', in *La Ville promise: mobilité et accueil à Paris, fin XVII^e–début XIX^e siècle*, ed. Daniel Roche (Paris, 2000), 221–288; Vincent Denis, *Une Histoire de l'identité* (Ceyzérieu, 2008).

5 On the surveillance of bakers, butchers, jewellers and other artisanal corporations, Richard Cobb, *The People and the Police: French Popular Protest (1789–1820)* (Oxford, 1970), Chapter 1, and Steven Kaplan, *La Fin des corporations*, trans, B. Vierne (Paris, 2001); on actors and actresses, Paul Friedland, *Political Actors: Representative Bodies and Theatricality in the Age of the French Revolution* (Ithaca, 2018); on writers, Robert Darnton, 'A police inspector sorts his files', in *The Great Cat Massacre* (New York, 2009), 145–89; on printers and publishers, Daniel Roche, 'Censorship and the publishing industry', in *Revolution in Print: the Press in France, 1775–1800*, ed. Daniel Roche and Robert Darnton, (Berkeley, 1989), Chapter 1; on doctors and pharmacists, see Lawrence Brockliss and Colin Jones, *The Medical World in Early Modern France* (Oxford, 1997); on vagrants, Christian Romon, 'Mendiants et policiers à Paris au XVIII^e siècle', *Histoire, Économie et Société*, 1 (1982), 259–95 and Bernard Schnapper, 'La Répression du vagabondage et sa signification historique du XIV^e au XVIII^e siècle', *Revue d'histoire du droit français et étranger*, 63 (1985), 143–57.

6 Darnton, 'A police inspector sorts his files' and Jean-Jacques Courtine and Claudine Haroche, *Histoire du visage: exprimer et taire ses émotions (XVI^e–XIX^e siècle)* (Paris, 1988).

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is half-criminal.'[7] As Mercier correctly observed, the night watchman could detain suspicious persons at will and keep them as long as the officers of the court deemed necessary. The article on 'Justice' in the *Encyclopédie* informs us, the watchman 'has a kind of jurisdiction over thieves, hucksters, criminals and suspicious persons … he can have them arrested'.[8] And the period of detention might prove to be a long time, particularly in cases where an investigating judge found insufficient evidence to bring formal charges, but nonetheless remained convinced that an individual could constitute a danger to public safety.[9] Over the course of the eighteenth century, as elite *mœurs* became more gentle and justice less severe, the rigidity of the system of 'legal proofs' came to have the unintended consequence of expanding the scope and practice of detaining individuals who were deemed to be 'suspect'.[10] The problem was that fixed systems of proof could, on the one hand, lead to the release of a manifestly guilty or dangerous individual if the proof could not be completed. On the other hand, a formal indictment, in the presence of a 'complete proof', could impose upon the judge the application of a punishment whose severity had become out of step with eighteenth-century moral sensibilities. The burglar, for example, could be detained rather than hanged by *not* convicting him. The use of pretrial detention, as well as a kind of post-trial detention or probation, thus expanded over the course of the eighteenth century; by 1789 the Conciergerie prison in Paris, alone, held as many as a thousand 'suspects' at any given moment.[11]

As the use of pre- and post-trial detention expanded, so did the juridical category of suspicion. Sometime between the publication of the fourth edition of the *Dictionnaire* of the French Academy in 1762 and the appearance of Jean-François Féraud's *Dictionnaire critique de la langue française* in 1787–88 the judicial use of the word 'suspect' neologistically expanded from an adjective to a verb: 'To suspect. Regard someone as suspect … it is a term of the *Palais*' (that is, of the law courts).[12] Thus, Charles Pinot Duclos' comment that 'it is much less cruel for an honest man to be indicted than to be considered suspect', was an observation with more than a little legal bite.[13] Suspicion was a juridical black hole whose dimensions were determined solely by arbitrary detention and judicial discretion.

Suspicion was, moreover, no mere professional deformation of the policeman, the prosecutor and the magistrate. It was a pervasive mode of perception in everyday life, a way of reading and interpreting the world that saturated all aspects of human relations at all levels of society in pre-Revolutionary France. It entered into the language not only of law enforcement (*gens suspects, témoins suspects, aveux suspects, condamnation suspecte*), but also into the way that the French made love (*fidelité suspecte, liaisons suspectes, allures suspectes*), the way they did business (*réussite suspecte, commerce suspect*), interpreted the Bible (*foi suspect, piété suspecte*) or politics (*suspect aux principaux citoyens, suspect au prince*). It shaped the way words were spoken and heard (*suspect de flatterie, entretiens suspects*), the way they were written and read (*vers suspect, brochure suspect, histoire suspecte*). It lent meaning to gestures and actions (*geste suspecte, conduit suspect, mains trop suspects*); it structured perceptions of space and time (*visites suspectes, forêt sombre et suspect, une propriété suspecte*), and it singled out objects that were odd or out of place

7 Joseph Michel Antoine de Servan, *Discours sur l'administration de la justice criminelle* (1766), cited in Pierre Lascoumes, Pierrette Poncela and Pierre Lenoël, *Au Nom de l'ordre: une histoire politique du code pénal* (Paris, 1989), 25.

8 Jean d'Alembert and Denis Diderot (eds), *Encyclopédie, ou Dictionnaire raisonné, des arts et des métiers*, 17 vols (1758–71), 9: 91.

9 Richard Andrews, *Law, Magistracy, and Crime in Old Regime Paris, 1735–1789,* vol. 1, *The System of Criminal Justice* (Cambridge, 1994), 425–67.

10 John Langbein, *Torture and the Law of Proof: Europe and England in the Ancien Régime* (Chicago, 1976), 45–60. See also Andrews, *Law, Magistracy, and Crime*, 493.

11 This was known as a judgement of *plus amplement informé*: Andrews, *Law, Magistracy, and Crime*, 378–83.

12 Jean-François Féraud, *Dictionnaire critique de la langue française*, 3 vols. (Marseille, 1787–88), entry for 'suspect'.

13 Charles Pinot Duclos, *Mémoires pour servir à l'histoire des mœurs du XVIII^e siècle* (no place, 1751), 117.

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(*poissons suspectes*, *monuments suspects*). Not least, it made legible the features of the human face (*traits trop marqués et suspects*, *yeux cruels et suspects*, *haleine infectée ou suspecte*).[14]

Success or failure in the most important aspects of human relations hinged as much upon accurate interpretation of character as it did upon reliable financial instruments, written contracts and law enforcement. Survival depended upon good judgement, and good judgement was the product of a suspicious disposition. Thus, in no arena of social action was the language of suspicion more ubiquitous than in the scrutiny of *mœurs*. Everything that appeared good in a person—intentions, probity, sincerity, etc.—might, in reality, prove to be false, and suspicion was the safeguard against deceit.

Pre-Revolutionary French society was as much self-policing as it was policed because, like many early modern societies, it was relatively underpoliced by public authorities. In Paris, a city of some 650,000 residents in 1789, the police force—from the chief lieutenant to the office clerks—totalled around 3,000, about half of whom were street patrolmen, assisted, as Mercier noted, by about 300 paid spies.[15] Only a fraction of these patrolmen would be on the beat at any given time. Michel Foucault may have been right to see the French Revolution as a critical moment of transformation in the mode of state repression from punishment to surveillance. But the state did not invent the practice of surveillance—rather, it progressively appropriated it from society itself.[16] Thus, when Richard Cobb writes of 1789 as the last moment in the history of France when it might be fair to say that Paris was 'underpoliced', it would perhaps be more accurate to say that it was the last moment that it was underpoliced by the state.[17] In these circumstances suspicion, rather than reliance on a continuous presence of repressive force, was the individual's best self-defence.

II

The Revolution of 1789 marked a critical conceptual turning point. With the transformation of the kingdom into a nation, the jurisdictional state (that exercised power through particular jurisdictions) gave way to a territorial conception of the state (that applied generalized laws over a unified territorial entity). The great reforms of 1790–91 effected this transformation and in so doing initiated nothing short of a revolution in the penal theory and practice of suspicion.

It is true that over the course of the eighteenth century the royal police had made incremental efforts to appropriate the task of documenting and regulating population movements from diverse local authorities, but they did so in a largely improvised manner—responding to particular crises or identifying particular groups that required special attention.[18] The new *Penal Code* of 1791, by contrast, aimed to ensure public security by imposing a single system of surveillance and thereby eradicate this patchwork of legal contingencies and particulars. First and foremost, the deputy Michel Le Peletier de Saint-Fargeau argued, the practice of indelibly marking the bodies of convicted criminals had to go; it was incompatible with the concept of limited punishments, and it contradicted the aim of the new penology: to rehabilitate and reintegrate the criminal into society. Indelible marks on the body had permitted both police and citizens to identify the criminally predisposed. But he reassured his listeners, we will accomplish this aim

14 This abbreviated sketch of the semantic field of the term 'suspect' is derived from a Boolean wildcard search of the Artfl-FRANTEXT database with date parameters, 1700–1800: https://artfl-project.uchicago.edu/.

15 Vincent Denis, 'Police et société en France, de l'ancien régime à la Révolution', *Annales historiques de la Révolution française*, 393 (2018), 207–16, Vincent Milliot, *L'Admirable Police: tenir Paris au siècle des Lumières* (Ceyzérieu, 2016) and Williams, *The Police of Paris, 1718–1789*, 22.

16 Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York, 1979); Garrioch, *Neighbourhood and Community* and Arlette Farge, *Fragile Lives: Violence, Power and Solidarity in Eighteenth-Century Paris*, trans. C. Shelton (Cambridge, MA, 1993).

17 Cobb, *The Police and the People*, 17.

18 Denis and Milliot, 'Police et identification', and Denis, *Une Histoire de l'identité*.

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by other means: 'Registers, carefully maintained in each municipality, will offer an accounting of every member who comprises our great family. … Henceforth … being vagrant and undocumented, having become a sign of defiance, will be sufficient to alert the police.'[19] By bringing the entire population under public surveillance, deviants would no longer be singled out for identification because of their profession or civil status; they would be distinguishable through their *lack* of a civil status—presence in a registry. This revolution was put into operation, in theory, a little more than a month later by the new *Loi de police municipale et correctionnelle* of 5 July 1791.[20] The Assembly, moreover, put an end to the practice of arbitrary detention by defining which authorities had the power to detain citizens, and by imposing fixed limits on the duration of detention.[21] Still, the new criminal justice system left the local police wide latitude in determining whom to detain.[22] And key features of what was potentially criminal, remained unchanged: *gens suspects* were, by definition, unfamiliar, transient and idle.

Revolutionary criminal investigation was meant to break with the corporatist worldview of the former regime. But the goal of registering the entire population, individual by individual, and leaving the sore thumbs to stand out remained elusive.[23] In the face of the deepening crisis, both legislators and police responded pragmatically by simply extending the logic of targeted surveillance of political dissidents and particular groups into the new regime.[24] As early as July 1789 it became clear that new categories of people would need to be collectively singled out for either expulsion or special surveillance if the new nation was to be made secure from its enemies—*émigrés*, priests, foreigners and (former) aristocrats.

Following the flight of the princes in 1789, emigration was criminalized through a series of laws, culminating with a decree of 28 March 1793. Thereafter, the category burgeoned: anyone denounced by a fellow citizen for undocumented movement across the border—from the lowliest thief to the highest military officer—faced either the challenge of establishing their innocence or immediate expulsion.[25] Similarly, suspicion against priests heightened after the pope declared the newly 'constitutional' French Church heretical and ultimately, by 1793, all priests, not just the refractory ones, had become constitutively suspect.[26] The crises of spring 1793—international war, civil war and subsistence shortages—led to the legal creation (on 21 and 26 March 1793 respectively) of two further categories of suspects—foreigners and the former nobility. As the war effort foundered in summer 1793, anxiety about the nobility intensified. In the Jacobin Club, on 23 August, Mathieu-Jean Brichet proposed that the return of aristocrats could be prevented 'by marking their faces with a hot iron'.[27]

19 *Rapport sur le Projet du Code Pénal fait au nom des Comités de Constitution et de Législation Criminelle, par Michel Le Peletier de Saint-Fargeau à l'Assemblée Constituante dans les séances de 22 et 23 mai 1791* (Paris, 1791); reproduced in Lascoumes, Poncela and Lenoël, *Au Nom de l'ordre*, 337; see also 25, 73 and 107–08.

20 *Le Moniteur*, 9: 48; Louis Jacob, *Les Suspects pendant la Révolution, 1789–1794* (Paris, 1952), 19. See also Lascoumes, Poncela and Lenoël, *Au Nom de l'ordre,* 72–74 and 140–41.

21 Jacques Godechot, *Les Institutions de la France sous la Révolution et l'Empire* (Paris, 1989), 150.

22 Vincent Denis, *Policiers de Paris: les commissaires de police en révolution (1789–1799)* (Ceyzérieu, 2022).

23 Denis, *Une Histoire de l'identité*; Milliot, *L'Admirable Police*; Bernard Gainot and Vincent Denis (eds), *Un Siècle d'ordre public en révolution (de 1789 à la Troisième République)*, (Paris, 2009); Vincent Milliot (ed.), *Histoire des polices en France, des guerres de religion à nos jours* (Paris, 2020), 201–335; Pierre Piazza, *Histoire de la carte nationale d'identité* (Paris, 2004) and Gérard Noiriel, 'L'Identification des citoyens: naissances de l'état civil républicain', *Genèses*, 13, (1993), 3–28, 13.

24 Barry Shapiro, 'Revolutionary justice in 1789–1790: the Comité des recherches, the Châtelet, and the Fayettist coalition', *French Historical Studies*, 17 (1992), 662 and Charles Walton, *Policing Public Opinion in the French Revolution: The Culture of Calumny and the Problem of Free Speech* (Oxford, 2009); also Godechot, *Les Institutions de la France*, 304–05.

25 Donald Greer, *The Incidence of Emigration during the French Revolution* (Gloucester, MA, 1966), 115.

26 [A]rchives [N]ationales, series W, 507, 63, decree of the National Convention of 14 Feb. 1793, AN, W, 507, 63, decree of 25 Feb. 1793: AN, W, 507, 58, decree of 18 Mar. 1793.

27 Eric de Mari, *La Mise hors de la loi sous la Révolution française (19 mars 1793–an III): une étude juridictionnelle et institutionnelle* (Issy-les-Moulineaux, 2015), 81. The legal war against members of the former nobility culminated with the law of 27 Germinal year II (17 Apr. 1794): AN, W, 511, 13.

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The criminalization of the aristocracy as a suspect class has been interpreted by some as evidence of the racist, even genocidal, tendencies of Jacobin republicanism.[28] But it was, in reality, as much an extension of core traits that the pre-Revolutionary police had traditionally used to identify suspicious types: mobility and idleness. Under the ancien régime, these traits came together most forcefully in the figure of the vagrant.[29] The Revolution gave the moral valence of idleness a new social meaning that reversed the old hierarchies of suspicion. Aristocrats were to the new regime what *gens sans aveu* were to the old: 'idle' and mobile and therefore suspicious. As Servan, quoted above, put it: 'An idle man is a villain in the making … he is suspicious, and thus is half-criminal.'[30]

The logic of suspicion that emerged after 1789 was a criminal world turned upside down. Whereas the former regime had singled out religious minorities for registration and special surveillance (Jews, Protestants, etc.), the new one would single out adherents to the Church of Rome; whereas the former regime had singled out vagabonds and itinerant workers, the new one would single out *émigrés* and foreigners; whereas the former regime singled out *gens sans aveu*, the new would single out idle aristocrats. The old *mœurs*—probity, virtue and honour—remained in place, only the social embodiment of their transgression had changed. It was a carnivalesque inversion, whose suspicious anxieties were expressed most transparently by the decree of 7 August 1793 declaring men who disguised themselves as women counter-revolutionaries.[31]

Still, even if local and national authorities had succeeded in detaining, expelling and perhaps even executing all of the foreigners, former aristocrats and priests on French territory—which they manifestly did not—this gets us nowhere close to the number of those who emigrated, nor, more importantly, to that of the approximately 200,000–300,000 people who were detained as suspects between 1789 and 1795.[32] Nor does it help us to grasp fully the Revolution's most novel contribution to the history of suspicion: the Law of Suspects of 17 September 1793.

Jean-François Féraud's *Dictionnaire critique de la langue française* in 1787–88 marked a threshold in the lexicography of suspicion: long used as an adjective (*gens suspects*), 'to suspect' became a verb, an action as well as an attribute. If we look ahead to the fifth edition of the *Dictionnaire de l'Académie française*, published in 1798, that usage mutated further during the Revolution. With the Law of Suspects of 1793, the word 'suspect' became a substantive noun: 'Suspect: One who is suspected of being an enemy of, or indifferent to the Revolution.'[33] And at the same moment that 'suspect' became a noun it ceased to have a fixed set of social referents. That was precisely its purpose: to serve, so to speak, as a floating signifier, whose meaning was to be determined, contingently, through observation of the comportment and context, gestures and words, in sum the appearance and conduct of a person rather than a fixed identity.

III

The legislative genesis of the Law of Suspects bears greater scrutiny because it reveals the process by which the normative logic of social self-policing was transformed into a legal axiom of state power. The creation of a general law permitting the detention of 'suspects', and

28 Fereno Feher, *The Frozen Revolution: An Essay on Jacobinism* (Cambridge, UK, 1987), Reynald Secher, *A French Genocide* (Notre Dame, 2003) and Daniel Edelstein, *The Terror of Natural Right: Republicanism, the Cult of Nature and the French Revolution* (Chicago, 2009).

29 Bernard Schnapper, 'La Répression du vagabondage et sa signification historique du XIV^e^ au XVIII^e^ siècle', *Revue d'histoire du droit français et étranger*, 63 (1985), 143–57.

30 Servan, *Discours sur l'administration de la justice criminelle* (1766), cited in Lascoumes et al., *Au Nom de l'ordre*, 25.

31 AN, W, 508, 63, decree of 7 Aug. 1793.

32 A good review of the range of scholarly estimates of the number of persons detained can be found at: Wikipedia contributors, 'Law of Suspects', *Wikipedia, The Free Encyclopedia* https://en.wikipedia.org/w/index.php?title=Law_of_Suspects&oldid=1185337922 (accessed 12 December 2023).

33 *Dictionnaire de l'Académie française*, 5th edition (Paris, 1798), entry for 'Suspect'.

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encompassing all forms of suspicious behaviour was conceptually consistent with systematic surveillance imposed by the new penal regime, but it emerged out of local exigencies and from local police who sought national legislative sanction for local initiatives.[34] And the patterns at the local level—for the twenty some departments and districts that have been closely studied—bear striking family resemblances.[35]

The declaration of the *Patrie en Danger* on 7 July 1792 granted broad emergency authority to national and local officials, but the first wave of initiatives to systematically arrest and detain those who had been identified as 'suspects' began in earnest after the fall of the monarchy on 10 August 1792, the breach of the northern frontier by the Prussians in late August, the fall of Longwy on 28 August and then of Verdun on 2 September. On 11 August the Assemblée Législative extended the powers attributed to the correctional police (Juges de Paix) in 1791 to municipal officers, who could henceforth issue arrest warrants for crimes of treason.[36] A week later the relatives of *émigrés*—men, women and children—were to be put under house arrest.[37] That same day, deputies called for a general law mandating the detention of aristocrats deemed suspect, to pre-emptive public hysteria and popular violence.[38] On 28 August Danton initiated a decree permitting the police to enter private domiciles to look for 'traitors'.[39]

Local authorities throughout France were, in fact, well ahead of him. The decree of 11 August led to local mobilizations of police as well as vigilantes against suspected 'traitors' throughout France. In Paris, the imprisonment of several thousand suspicious persons, led to the tragic massacres of 2–5 September. In Dijon, there were multiple waves of detentions in 1791–92, well in advance of the implementation of the national decree of late August that led to the detention of 200 suspects.[40] Other provincial studies document similar measures in late August/early September.[41] In the wake of the Parisian September massacres, Jean-Marie Roland, minister of Justice, and many deputies began calling for the immediate release of all detainees who had not been formally charged. With the victory of Valmy and the seating of the Convention Nationale in October anxieties eased further and on 8 October the National Convention decreed the release of all suspects who had yet to be indicted.[42]

A second, and larger wave of arrests of suspects by local authorities accompanied the multiple crises of spring 1793. Though the dynamics of popular rebellion varied—here subsistence (for example, in the Aude), there religion (in Montauban), or toxic political factionalism (in

34 Albert Mathiez, 'L'Arrestation des suspects en Côte-d'Or pendant la crise de la première invasion', *Annales historiques de la Révolution française*, 2 (1925), 113–30.

35 Pierre Deshais du Portail, *La Loi des suspects: son application à Nantes et dans la Loire-Inférieure* (Rennes, 1938); Louis Jacob, *Les Suspects pendant la Révolution, 1789–1794* (Paris, 1952); Mathiez, 'L'Arrestation des suspects'; Pierre Bécamps, 'Les Suspects à Bordeaux et dans le département de la Gironde (1789–1799)', *Actes du soixante-dix-huitième congrès national des sociétés savantes, section d'histoire moderne et contemporaine, Toulouse 1953* (Paris, 1954), 167–179; Mme Septe, 'Les Suspects dans le district d'Auch', *Actes du soixante-dix-huitième congrès nationale des sociétés savantes, section d'histoire moderne et contemporaine, Toulouse 1953* (Paris, 1954), 180–93; René Descadeillas, 'Les Suspects pendant la Terreur dans le district de Castelnaudary (Aude) (10 Août 1792–99 Thermidor, An II)', *Actes du soixante-dix-huitième congrès nationale des sociétés savantes, section d'histoire moderne et contemporaine. Toulouse 1953* (Paris,1954), 194–208; Daniel Ligou, 'Les Suspects dans le district de Montauban', *Actes du soixante-dix-huitième congrès nationale des sociétés savantes. section d'histoire moderne et contemporaine. Toulouse 1953* (Paris, 1954), 209–30; Martine Lapied, 'Le Rôle des Comités de surveillance dans la circulation de l'information, à partir de l'étude des Comités du Sud-Est', *Annales historiques de la Révolution française*, 330 (2002), 29–39, here 33; Donald Sutherland, 'Étude de cas: le Comité de surveillance et pouvoir d'Aubagne', *Rives méditerranéennes*, 18 (2004), 2–7; Jean-Louis Matharan, 'Les Arrestations de suspects en 1793 et en l'an II: professions et répression', *Annales historiques de la Révolution française*, 263 (1986), 74–85.

36 AN, W, 507, 26, decree of 11 Aug. 1792, 'Les municipalités sont spécialement chargées des fonctions de la police de la sûreté générale, pour la recherche des gens qui compromettent, soit la sûreté extérieure, soit la sûreté intérieure de l'État et dont l'accusation est réservée à l'Assemblée nationale.'

37 AN, W, 507, 25, decree of 15 Aug. 1792.

38 Jacob, *Les Suspects*, 26.

39 Ibid., 26–27.

40 Nelly Bazin, 'Les Suspects dans le district de Dijon', *Annales de Bourgogne*, 41 (1969), 63–75.

41 Bécamps, 'Les Suspects à Bordeaux'; Septe, 'Les Suspects dans le district d'Auch', 180–93; Descadeillas, 'Les Suspects pendant la Terreur dans le district de Castelnaudary'; Ligou, 'Les Suspects dans le district de Montauban'.

42 Mathiez, 'L'Arrestation des suspects en Côte-D'Or', 125–30.

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Bordeaux)—two crucial decrees aimed to channel and regulate local panic at the national level: the law on 21 March 1793 creating the comités de surveillance and the decree of 3 April, which empowered representatives on mission to detain suspicious persons at will.[43]

In fact, as early as 11 March, in the face of imminent invasion, the four representatives sent to the North—including Philippe-Antoine Merlin de Douai—wrote from Lille, sending a copy of a *Règlement de police*, 'that contains measures of general security … without having been authorized by us'.[44] They applauded the zeal of local authorities and retroactively authorized the local police to detain *anyone* behaving suspiciously.[45] In the wake of the attempted assassination of Deputy Léonard Bourdon, on 18 March the National Convention ordered the arrest of all 'suspects' in Orléans.[46] On 26 March the Department of the Haute Pyrenées also ordered the detention of all suspicious persons.[47] Then, on 28 March, the National Convention ordered the Municipality of Paris and all surrounding municipalities to disarm 'suspicious persons' and detain them provisionally.[48]

The news of the decree spread rapidly and led to another wave of local emergency decrees. In the Lot, authorities were exhorted by a national agent: 'Seize every man whom you have not seen express strong civic sentiments.'[49] The departmental authorities of Limoges declared that 'every man who has not acquired the reputation of a patriot should be regarded as suspect'; the department of the Hérault followed suit: in Montauban the Surveillance Committee detained 300 suspicious persons over the next few months.[50] From April through July 1793, municipal, district and departmental decrees against suspicious persons proliferated—in the city of Besançon, in the district of Vire, and in all the departments which were perceived to be of dubious loyalty to the Convention: Gers, Calvados, Meurthe, Bouches-du-Rhône, Doubs, Allier, Cher, Corrèze, Haute-Vienne, Lozère and Pas-de-Calais. By late spring 1793 almost a third of French departments had been mobilized to detain suspicious persons.[51]

As new categories of 'suspect persons' proliferated over the course of spring and summer 1793 a conceptual shift occurred in the Revolutionary hermeneutics of suspicion. The purging of the Girondins from 31 May to 2 June 1793 produced a new category of suspect: false republicans. National and local laws began to empower authorities to seek out 'false patriots' as well as *émigrés*, foreigners, priests and aristocrats. And a second expansion of the scope of suspicion emerged from the persistence of subsistence crises throughout the nation, and in particular the imposition of a law against *accaparement* (hoarding) on 27 July.[52] In his speech to the Convention of 8 May 1793, Robespierre added to the list of the suspicious: lawyers, nobles, financiers, bankers.[53] With the passage of the *Maximum* on grain on 11 September and then the general *Maximum* on 29 September, detentions for possible economic treason increased

43 Decrees of 21 Mar. and 3 Apr. 1793, cited in Jacob, *Les Suspects*, 30 and 33.

44 *Rapport des citoyens Delacroix, Gossuin, Danton, Merlin de Douai, Treilhard, Robert, membres de la Convention Nationale, et nommés par elle commissaires près l'armée et dans les pays de la Belgique, de Liège, etc. Imprimé par ordre de la Convention* (Paris, 1793), Rapport numéro 9, 339.

45 Ibid., 330–31.

46 AN, W, 507, 58, decree of 18 Mar. 1793,

47 Jacob, *Les Suspects*, 31.

48 AN, W, 507, 55, decree of 28 Mar. 1793.

49 Ligou, 'Les Suspects dans le district de Montauban', 214.

50 Ibid., and Jacob, *Les Suspects*, 32–34.

51 Deshais du Portail, *La Loi des suspects*; Jacob, *Les Suspects*; Mathiez, 'L'Arrestation des suspects'; Bécamps, 'Les Suspects à Bordeaux et dans le département de la Gironde (1789–1799)'; Septe, 'Les Suspects dans le district d'Auch'; Descadeillas, 'Les Suspects pendant la Terreur dans le district de Castelnaudary (Aude) (10 Août 1792–99 Thermidor, An II)'; Ligou, 'Les Suspects dans le district de Montauban'; Lapied, 'Le Rôle des Comités de surveillance dans la circulation de l'information, à partir de l'étude des Comités du Sud-Est'; Sutherland, 'Étude de cas: le Comité de surveillance et pouvoir d'Aubagne'; Matharan, 'Les Arrestations de suspects en 1793 et en l'an II: professions et répression'.

52 Jacob, *Les Suspects*, 49.

53 Jean-Clément Martin, *Contre-révolution, révolution et nation en France, 1789–1799* (Paris, 1998), 147–91, and Niccolo Valmori, 'Les Origines d'un malentendu tragique: les banquiers et la Révolution française', *Annales historiques de la Révolution française*, 338 (2017), 53–74.

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dramatically. And finally, the decree of the *levée en masse* on 23 August produced new waves of popular resistance to forced military conscription in a troubling large number of departments. Thus, by summer 1793, passive public officials, the idle wealthy, the overly clever and the pacifist poor joined foreigners, aristocrats and priests as potential traitors.

On 10 August 1793, the first anniversary of the fall of the monarchy, deputies from the primary assemblies of all the electoral cantons of France were assembled in Paris to swear an oath to the new Constitution, which was promptly suspended 'until the peace'. Two days later, on 12 August (probably at the instigation of the Jacobins) the gathered cantonal deputies demanded that 'all suspect men will be immediately put under arrest' and, with guarded enthusiasm, the Convention ordered its *Comité de Législation* to draft a general law.[54]

The *Comité de Législation* left no record, official or private, individual or collective, of their deliberations on the law, and there is still speculation about the degree of the Committee's conviction in its guiding principles.[55] Careful attention to the micro-chronology of local dynamics from August 1792 to September 1793 outlined above make clear that the Convention agreed to draft the law in an attempt to create legal parameters in order to rein in arbitrary detention and the brutality of local authorities in repressing political dissent. Already on 12 August, Danton had cautioned that only the 'truly suspect' should be arrested and that the law should be applied 'with more intelligence than it is at present'.[56] The Convention, since June, had in fact been trying to establish limits on the length of detention of suspects without formal charges, and to limit arrests and prosecutions to leaders, rather than all participants of popular disturbances.[57] And the endless proliferation of political and social classifications of suspicious types was a legal *mise en abyme*.

The initial proposal for a Law of Suspects was presented to the Convention by Merlin de Douai on 31 August but was tabled without any recorded discussion. It took the Parisian sections' invasion of the Convention on 5 September to galvanize the deputies' will to pass the law. With the consolidation of Jacobin control of the Convention in the wake of the insurgency, Jacques-Nicolas Billaud-Varenne was able to bring the issue back to the floor on 5 September, demanding the 'arrest of all the counter-revolutionaries and suspects'.[58] But it was the former policeman, Claude Basire who got to the heart of the problem: 'We have already repeatedly decreed the arrest of suspect persons; but these measures have never been fully executed.'[59] He went on to observe that priests and the nobility were no longer a real problem—all the potentially dangerous ones had emigrated or been arrested. The real threat now lay elsewhere and the law had failed to reach it:

> You have in the sections … extremely dangerous men … among whom are found a second class of suspect persons. … These are shopkeepers, wholesale merchants, speculators, former prosecutors, bailiffs, insolent valets, bureaucrats, businessmen, stockholders, troublemakers in essence, by profession and education. They are all as naturally disposed to be enemies of liberty as those we have previously identified. … They are very difficult to define.[60]

54 Jérôme Madival and Émile Laurent (eds), *A[rchives] P[arlementaires] de 1787 à 1860, première série* (Paris, 1862), 72: 101 (12 Aug. 1793).

55 It has been argued, alternatively, that the law either revealed the lead deputy Merlin de Douai to be the terrorist, rather than the great liberal jurist that he was reputed to be (Hippolyte Taine) or that Merlin de Douai took on the task to save his life (François Auguste Marie Mignet). Hervé Leuwers, *Un Juriste en politique: Merlin de Douai (1754–1838)* (Artois, 1996), 76–79.

56 *AP*, 72, 102 (12 Aug. 1793).

57 For protests about the vagueness of the law and arbitrary or excessive detentions, see the protests to the Convention for the Paris section du Mail on 21 June 1793, cited in Jacob, *Les Suspects*, 43; See also, AN, W, 508, 52, decree of 5 July 1793, limiting prosecutions for treason to leaders of rebellions alone.

58 *AP*, 73, 416 (5 Sept. 1793).

59 *AP*, 73, 417.

60 *AP*, 73, 417.

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In the end, the only way to know them was through their words and actions: 'These incendiary activists in the section who seize every occasion to excite trouble, to divide citizens, to obstruct recruits.'[61] The old social categories of suspicion would no longer do; the Revolution had created a new order and new men. The police would need to read the social world in a different way—not through the mastery of identifying fixed social categories, but through the observation of actions, words and attributes. And they needed a new kind of law suited to this task.

The law Billaud-Varenne and Basire had demanded reached the floor of the Convention on 17 September, and it led with the Revolutionary idea of suspecting behaviours rather than political or social identities: 'All suspicious persons throughout the territory of the Republic were to be immediately arrested (Art. 1); Suspicious persons were "1) those who by their conduct, relations, speech or writings reveal themselves to be partisans of tyranny and enemies of liberty"'.[62] Lists would be drawn up by local committees of surveillance, those listed would be arrested and their papers seized and they would be held, 'until the peace' at their own expense (Arts 3–8). They would be either formally charged or acquitted by the Comité du Sûreté Générale (Art. 9); Civil and criminal tribunals could indefinitely detain a suspect who had been acquitted, at the discretion of the judges (Art. 10). It was no longer *who* you were, but rather *how* you appeared and *what* you said and did that defined you as a suspect—and this definition potentially included all citizens who failed to successfully conform to the normative comportment and actions of a patriotic citizen. The suspect was the citizen's Janus face.

The rapid expansion of the practice of detaining suspicious people and the extension of the law from particular groups to forms of behaviour must be understood in the context of another critical legal development that spring. On 19 March 1793, in the face of massive resistance to military conscription, the Convention passed a law (drafted hastily by Jean-Jacques Régis de Cambacérès) that declared: 'Those who are charged with having taken part in counter-Revolutionary revolts or riots … and those who have taken up or would take up the white cockade [*cocarde*] or any other badge of rebellion are outlaws.'[63] Less than two weeks later, outlaw status was extended to any 'aristocrat or enemy of the Revolution'.[64] This law's vagueness in effect permitted the arrest, trial and execution of suspicious persons, purely at the discretion of the military commissioners or criminal judges upon the testimony of two witnesses.[65] In the sixteen months that followed its passage, at least 21,000 people were declared *hors-la-loi* and of those 13,000 were executed by judgements of military commissions or departmental criminal judges.[66]

The Law of Suspects has been viewed as a cornerstone of the legal Terror. But viewed in the context of the expansion of the use of *hors la loi* as a brutal mechanism of discretionary repression, it appears in another light. The declaration of a French man or woman *hors-la-loi* transformed them into enemies against whom there was to be, to paraphrase Saint-Just, 'no judgement but the sword'.[67]To be sure, the lines blurred between suspect and outlaw in practice, but the Law of Suspects should be seen as an attempt, by moderate Jacobins—faced with counter-Revolutionary resistance on the one hand and ultra-Revolutionary vigilantism on the other—to redraw and sharpen that line, to rein in violence by detaining, rather than executing, people who either were, or were perceived to be, potential threats to the nation. It was a

61 *AP*, 73, 417.
62 Baker (ed.), *The Old Regime and the French Revolution*, document 39.
63 *AP*, 60 (19 Mar. 1793), cited in de Mari, *La Mise hors de la loi*, 94.
64 De Mari, *La Mise hors de la loi*, 99.
65 De Mari, *La Mise hors de la loi*, 103.
66 Donald Sutherland, *The Chouans: The Social Origins of Popular Counter-Revolution in Upper Brittany, 1770–1796* (Oxford, 1982), and de Mari, *La Mise hors de la loi*, 10–11.
67 Louis Antoine Saint-Just, speech to the National Convention, 13 Nov. 1792, *AP*, 53–56: 390–93.

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pre-emptive measure that aimed to refine the deadly discrimination between friend and enemy by constructing a kind of civic purgatory—whose denizens could await calmer times (*jusqu'à la paix*) for the last judgement. What distinguished the 'outlaw' from the 'suspect' was the loss of legal protection, the right to a trial, and the presumption of innocence until proven guilty. If Carl Schmitt is right that polities take a giant step forward towards legality when they begin to discriminate not simply between friend and enemy, but also between the enemy and the criminal, then at the conceptual level, the Law of Suspects of 17 September 1793 must be seen as a step forward, albeit a tenuous one, in the French republican process of constructing legal mechanisms of legitimation in the face of primal violence.[68]

The Law of Suspects marked a critical shift in the Revolutionary hermeneutics of suspicion, from a reading of the world through the lens of fixed identities and groups, to the discernment of behaviour and action that comported with new civic and political norms. The multiple legal iterations of suspicion—local, regional and national—over the course of 1789 to 1793 formed a kind of national conversation about the nature of republican society and civic identity, or, to borrow a felicitous phrase from Vincent Denis, a process of 'internalization of norms'.[69] It was a conversation (albeit a desperate and brutal one) about how to perceive the social order—as an aggregation of fixed corporate entities or as fluid individuals—and how to define civic norms and their transgression. This is to say that the multiple variations of laws on suspects culminating in the Law of Suspects of September 1793 worked not only to *restore* order, but also to *create* a new order and new ways of maintaining it.

This conversation unfolded in two stages. In the first stage (1789–93) the old social order was inverted but not fundamentally redefined: the old corporatist worldview remained intact but with its valences reversed—the meek inherited the earth. But over spring and summer 1793 the view of a world as an aggregation of fixed social classifications was forced to adapt to a fluid world of emergent identities, whose allegiances could only become known through their comportment, speech and gestures. This was a new, Veblenesque, world, still haunted by older social prejudices to be sure, but inescapably aware of the necessity of looking beyond them. In this sense, the Law of Suspects was more egalitarian in its aims than it appeared at first glance—it asked citizens and police to suspect individual people (rather than members of social groups) for what they said and did, rather than who they were. It asked them to become readers of indexical signs rather than icons.

IV

One example should suffice to illustrate the challenges Revolutionary surveillance faced. On 3 April 1793 Charles Louis Goussé, corporal in the reserve of the Section Contrat-Social was patrolling on the Terrasse de Feuillants in the Tuileries Gardens with eight other patrolmen.[70] At the sound of cries they rushed to the scene of a contretemps between Pierre Louis Levasseur, a clockmaker, and three men named Esperoux, Gallet and Briançon—the latter nicknamed 'Moustache'. Gallet was dressed in a blue topcoat, over a gendarme's uniform. Esperoux was described as wearing pantaloons and a vest with white sleeves. All three wore moustaches, though only one took it as his moniker. The three men (two armed with sabres) had knocked Levasseur's hat off and torn off his tricolour cocarde. A baker, a domestic servant and an apprentice carpenter subsequently made the same charge. Artaud, a hat maker, testified that he had seen the three *décocardeurs* snipping tricolour *cocardes* (cockades) off hats, and when someone

68 Carl Schmitt, *The Concept of the Political* (New Brunswick, NJ, 1976 [1932]).
69 Denis, *Une Histoire de l'identité*, 442.
70 The complete dossier of the 'affair de Briançon, Esperoux and Gillet', is found in AN, W, 268, 2 (13 items).

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emerged from the nearby café to stop them they drew their sabres and wounded the man. He then sought the police.

The three were promptly arrested and taken in for interrogation by the Committee of General Security in the Section Butte-des-Moulins. Under interrogation, all three men testified that they indeed were snipping off *cocardes*. Gallet stated that he only took 'those made with ribbons, because they only wanted to see standard ones made of wool'. Esperoux (who claimed, without documentation, to be a decommissioned *fédéré*) stated that he only tore off *cocardes* that 'had been designated as being those of aristocrats'. The ribbon *cocardes* were to be gathered and strung on a garland at the café Beaucaire. They had been engaged in this activity for about three days, along with others. Gallet acknowledged that he had purloined seven of the ribbon *cocardes* now in the possession of the police. Esperoux recognized two *cocardes* as having been torn off by him.

The identity papers of the three were not, as might be expected, entirely in order, but all claimed to be good patriots who had performed military service. The section's Committee of General Security concluded nonetheless that 'given prior and expected troubles in Paris' the three should be sent to prison to await trial by the Revolutionary Tribunal for acts of counter-revolution. The three were imprisoned in the former convent of Sainte Pélagie and interrogated by the Revolutionary Tribunal on 5 April. However, by that time the tribunal had received a letter from the 'Société des défenseurs de la République française' demanding to know why three of its members had been arrested. Gallet then testified that 'a rumour was running about that cockades made of ribbon were a rallying sign for counterrevolutionaries' and that the ones they removed 'seemed suspicious'. There was a competition, it seems, at the café Beaucaire, amongst 'Defenders of the Republic' to see who could make the longest garland of these *cocardes* of the false patriots. The Revolutionary Tribunal tried and acquitted Gallet, Esperoux and Moustache on 9 April 1793. As Richard Wrigley, amongst others, has shown, *cocardes* and other badges and insignia, even tricolour *cocardes*, were susceptible to subtle manipulation and notoriously difficult to politically decode.[71] The fate of these three lives hinged upon the right interpretation of the political difference between ribbon and wool. Signs of counter-revolution were hard to read, but read them the prosecutors, judges and jury of the Revolutionary Tribunal did. And in this case, they got it right.

V

Things took a much darker turn in year II (1793–94). As Basire's impassioned speech of 5 September 1793 attested, the social and political world had become harder to read—it was no longer clear how to define *gens suspects*. Appearances had become very deceiving indeed. The art of surveillance now became the art of reading surfaces for what lay beneath them, of recognizing deceit.[72] And if appearances were deceiving then everyone was a potential enemy. It was, above all, Bertrand Barère and Jacques-Nicolas Billaud-Varenne who became the masters and professors of the new hermeneutics of suspicion that emerged after September 1793. On 1 January 1794, Barère exhorted the committees of surveillance in every section of every town, and in every commune of the Republic, to ensure that 'the piercing and scrutinizing Eye of jealous liberty cast itself upon every citizen'. However, recognizing a counter-Revolutionary was

71 Richard Wrigley, *The Politics of Appearances: Representations of Dress in Revolutionary France* (Oxford, 2002), especially Chapters 3 and 5; more generally, Alexander Maxwell, *Patriots Against Fashion: Clothing and Nationalism in Europe's Age of Revolution* (Basingstoke, 2014); on the gender politics of the cockade, see Dominique Godineau, Lynn Hunt, Jean-Clément Martin, Anne Verjus and Martine Lapied, 'Femmes, genre, révolution', *Annales historiques de la Révolution française*, 358 (2009), 143–66, 158.

72 I am indebted here to Colin Lucas, 'The theory and practice of denunciation in the French Revolution', *Journal of Modern History*, 68 (1996), 768–85.

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not so simple: 'They wear the garments of sans-culottes. … [T]hey disguise themselves as revolutionaries', Barère insisted.[73] Hannah Arendt was right, at bottom the Terror became a 'war on hypocrisy', and suspicion was its engine.[74]

In autumn 1793, a little undated, unsigned circular addressed to members of the Revolutionary committees and municipal administrators appeared in print. Likely drawn from earlier orders circulated to the surveillance committees of the Commune of Paris, it explained how to identify the *Caractères distinctifs des mauvais citoyens*.[75] The pamphlet reduced the hermeneutics of Revolutionary suspicion to its essence: the truest measure of character, the surest way to see into the soul of another, was not simply by reading surfaces, *it was by observing the effect that speech, conduct and action had upon others*. And so it began: Bad citizens are: '1. Those who, in public assemblies, make pointed speeches that stop its energy'.[76] In year II (1793–94), suspicion became the art of reading causes from effects, and employing a brutal, utilitarian calculus to assess the objective political harm. 'Suspicion' as Robespierre put it, 'is to the profound feeling for liberty what jealousy is to love.'[77] And by winter 1793–94 liberty had become an untrustworthy lover. The tricoloured *cocardes* had supplanted the branding scar, but it needed to be fabricated from the right cloth, and worn so as to produce the right civic effect.

Of course, certain groups continued to be singled out for heightened scrutiny and detention after the institution of Revolutionary government in autumn 1793 (priests, former aristocrats, etc.), but it is nonetheless striking that, at least in Paris, the vast majority of those detained were, like our *décocardeurs* on the Terrasse des Feuillants, members of the former Third Estate, whose comportment, speech and behaviour were perceived to be disruptive to public order or civic norms.[78] The Law of Suspects crystallized a set of policing practices that emerged as the monarchy fell and the Republican movement fractured. It was an evanescent attempt to contain the primal violence of civil war and to capture an immanent social and political order within the limits of the law.

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73 Comité de Salut Public, *Rapport fait au nom du Comité du salut public sur les moyens d'exécution du décret du 17 septembre, concernant les personnes suspectes, et du décret rendu le 30 frimaire, dans la séance du 12 nivôse, an 2 de la République, par Barère. Imprimé par ordre de la Convention Nationale pour être envoyé aux Comités de surveillance de la République* (Paris, [1 January 1794]), 4–6.

74 Hannah Arendt, *On Revolution* (New York, 1965), 97–99.

75 Anon. [Billaud-Varenne?], *Caractères distinctifs des mauvais citoyens* (n.d., n.p., [1793–94]). For evidence of earlier versions, as well as provincial editions, see David Andress, *The Terror* (New York, 2005), 213.

76 Anon., *Caractères distinctifs des mauvais citoyens*.

77 M. Robespierre, *Œuvres de Maximilien Robespierre* (Paris, 1961), 8: 76, cited in Lucas, 'The theory and practice of denunciation', 781.

78 Matharan, 'Les Arrestations de suspects en 1793 et en l'an II'.